



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Early Learning (DEL)

Permanent Rule Only

Effective date of rule:

Permanent Rules

☐ 31 days after filing.

☒ Other (specify) March 31, 2012 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose:

Adopting new chapter 170-296A Licensed Family Home Child Care Standards, and repealing all sections of chapter 170-296 WAC.

Continued in Attachment A

Citation of existing rules affected by this order:

Repealed: See Attachment B

Amended: None

Suspended: None

Statutory authority for adoption: See Attachment C.

Other authority : See Attachment C.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 11-09-081 on April 20, 2011 (date).
Describe any changes other than editing from proposed to adopted version:

See Attachment D.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: **Not applicable.**

Name:

phone () _____

Address:

fax () _____

e-mail _____

Date adopted: November 14, 2011

NAME (TYPE OR PRINT)

Elizabeth M. Hyde

SIGNATURE

Elizabeth M. Hyde

TITLE

DEL Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 14, 2011

TIME: 3:48 PM

WSR 11-23-068

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>11</u>	Amended	_____	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>230</u>	Amended	_____	Repealed	<u>131</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>241</u>	Amended	_____	Repealed	<u>131</u>
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Attachment A to CR-103P
For Rules Proposed as WSR 11-09-091
New Chapter 170-296A – Licensed Family Home Child Care Standards

The adopted rules represent the first comprehensive revision of the Family Home Child Care rules since 2004. Most of the current chapter 170-296 WAC was adopted in 2004 when child care licensing was under the Department of Social and Health Services (DSHS) Division of Child Care and Early Learning.

In 2006, the Legislature enacted chapter 265, Laws of 2006 (the Act) creating the Department of Early Learning (DEL) as a separate state agency. The Act transferred various child care, early learning and child care subsidy programs to DEL from DSHS, the former Community, Trade and Economic Development Department, and the Office of Superintendent of Public Instruction. Among the programs and authorities transferred from DSHS to DEL under the Act was the licensing of child care agencies.

The 2006 Act established what is now chapter 43.215 RCW, and certain child care licensing statutes were recodified from chapter 74.15 RCW to chapter 43.215 RCW. Child care licensing rules were transferred from DSHS to DEL in July 2006, including the rules that became DEL chapter 170-296 WAC, Child care business regulations for family home child care (See the "recodification" of WAC 388-296 to 170-296 filed as WSR 06-15-075).

Statutory Authority.

RCW 43.215.200 establishes the DEL Director's duty and authority to, in part:

"(2) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(3) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care;

(4) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

(5) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(6) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(7) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

(8) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

These broad duties and authorities are delineated in greater detail in other sections of chapter 43.215 RCW.

Under RCW 43.43.832(6) the DEL Director must adopt rules and conduct criminal history and other civil adjudication proceedings background checks for child care licensees, staff, volunteers, individuals living on the premises of a child care and others who would or may have unsupervised access to children in care. RCW 43.215.060 and 43.215.070 provide authority to adopt rules to implement RCW 43.215 and to qualify for federal funds. Most of state's funding for child care licensing and monitoring activities is derived from the federal Child Care and Development Fund.

In RCW 43.215.005(4), the Legislature states its intent that the purpose of adopting chapter 43.215 RCW is:

- “(a) To establish the Department of Early Learning;*
- (b) To coordinate and consolidate state activities relating to child care and early learning programs;*
- (c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care;*
- (d) To provide tools to promote the hiring of suitable providers of child care by:*
 - (i) Providing parents with access to information regarding child care providers;*
 - (ii) Providing parents with child care licensing action histories regarding child care providers; and*
 - (iii) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law*
- (e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;*
- (f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and*
- (g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.”*

Due to the state’s interest in safeguarding the safety, health and wellbeing of children in care outside the child’s home, child care in Washington State is a closely regulated industry. DEL is obligated to establish and adopt standards for: who may be licensed; who may work in child care or have unsupervised access to children; how a licensed child care facility is laid out, equipped and maintained; and how the licensee provides supervision, developmentally appropriate early learning activities, a safe and healthy environment, nurture and guidance and other aspects of care. The Department is also obligated to monitor and inspect licensed child care facilities to assure that the adopted standards are being met, to work with licensees to improve when standards are not being met, and to take appropriate action if the licensing standards are violated. These legislatively mandated responsibilities frame the scope and content of the adopted rules.

Negotiated rule making. When DEL was created in 2006, the Legislature also passed chapter 54, Laws of 2006 (later codified in part as RCW 43.215.350 and 43.215.355) requiring DEL to engage in “negotiated rule making” with FHCC providers, their exclusive bargaining representative - the Service Employees International Union Local 925 (SEIU) - and other affected interests before revising and adopting FHCC rules. Negotiated rule making is a process briefly described in RCW 34.05.310 (the Washington Administrative Procedure Act) where the individuals or businesses regulated by the rules of a state agency participate directly with the state in developing or revising the rules. Negotiated rule making is considered appropriate in situations where relations between the government and the regulated entities is strained, there is or would be substantial controversy, or a potential exists for legal action arising from the proposed or adopted rules (see the state Office of Financial Management – Guide to Negotiated Rule Making).

In autumn 2006, DEL staff began discussions with SEIU on reviewing the FHCC rules to respond to several rule making petitions filed on the 2004 WAC 388-296,¹ and on using a negotiated rule making process. DEL and SEIU held joint public forums in January 2007 on how the rule development process should proceed. A joint decision was made to review the entire FHCC WAC chapter, rather than review only the sections subject to the 2004-2005 rule making petitions. A 35-member Negotiated Rule Making Team (NRMT) was formed comprised of:

¹ 138 rule making petitions were filed under RCW 34.05.330 from November 2004 through March 2005 seeking to amend or repeal several sections of DSHS WAC 388-296 that was newly adopted in August 2004. DSHS had agreed to review the 2004 FHCC rules for possible revision, but substantive work on revising WAC 388-296 had not begun by July 2006 when DEL was created. WAC chapter 388-296 was transferred to DEL in July 2006 and became WAC chapter 170-296.

- 11 SEIU-member FHCC licensees and SEIU staff
- 11 DEL staff
- 1 FHCC Licensee representing the Washington State Family Child Care Association
- 1 Licensee (provider) advocate
- 1 Parent advocate

And, up to:

- 4 Other FHCC licensees to provide cultural/geographic/linguistic diversity
- 2 Washington State Child Care Resources & Referral Network (CCR&R) representatives
- 5 Parents

See the [NRMT Roster](#) for a list of members as of November 2009 (The five parent seats remained unfilled during this process. The NRMT tried to recruit parents to participate, but parents found it daunting to attend the dozens of evening and weekend meetings of the full NRMT and its sub-teams. The “other FHCC licensee” and CCR&R seats were partly filled, but not to their listed capacity.) .

The NRMT’s charge was to review the current FHCC rules, research child development and child health and safety resources plus other state laws and regulations, and make comprehensive recommendations for revising chapter 170-296 WAC.

There were no examples found of negotiated rule making used by other Washington state agencies to develop regulations – so the NRMT was faced with developing a process. DEL and SEIU used the state Office of Financial Management (OFM) *Guide to Negotiated Rule Making* as a resource. However, the process for reviewing, researching and making recommendations about the DEL FHCC rules was developed by the NRMT. Due to a history of strained relations, achieving a working dialog was slow. DEL and SEIU unsuccessfully attempted in spring 2007 to conduct NRMT meetings jointly without an independent facilitator. The 2007 Legislature appropriated funds to contract with an independent facilitator and to provide a NRMT process coordinator – funding which ended in December 2009.

The facilitator was instrumental in helping the NRMT in structuring its meetings, developing action-oriented agendas, and in adopting:

- A protocol for respectful communication and orderly decision making (signed by the members);
- A set of guiding principles that recommendations would be based upon (including that the rules must support a “*child’s right to have safe and healthy child care*”); and
- Other organizing procedures.

Rule Review Process. From March 2007 through December 2009, the full NRMT met in-person on 29 Saturdays to discuss and vote on recommendations. In addition, three regional sub-teams of NRMT members met more than 100 times (most by conference call) during this period to conduct the detailed research and to make preliminary recommendations to the full NRMT. The NRMT divided the work into thirteen major topic areas, and more than 200 subtopics. The major topic areas included:

- Infant Care
- Food and Nutrition
- Staff Qualifications
- Licensing Process
- Indoor Environment
- Outdoor Environment
- Health
- Nurture and Guidance
- Recordkeeping, Reporting and Posting
- Program
- Emergency Preparedness
- Enforcement Actions
- Special Programs

The sub-teams organized their work on matrixes that included the: Current WAC 170-296 content if any; Child development or safety research and other state regulations; Possible alternatives to the current rules discussed; Potential concerns or areas of controversy; and finally the sub-team's recommended rule changes to the full NRMT. During the process the full NRMT also invited and heard experts on: Fire safety; Infant care; Outdoor activities/play; Diversity; Disaster planning; Onsite septic systems and Drinking water wells. The NRMT decided to use *Caring for Our Children – Health and Safety Standards: Guidelines for Out-of-Home Child Care Programs, 2nd edition*, as the group's primary reference, although many other research sources were used and referenced. (This guide has since been replaced by a 3rd edition released in June 2011.)

The full NRMT reviewed each sub-team's work, discussed issues and member concerns, and then voted on in-concept recommendations to DEL for changing most of the current rules. In some instances, achieving a substantial majority vote took several meetings over several months. More than 200 separate recommendations were voted on. The content of and votes on each recommendation were compiled in notes that are available online at <http://www.del.wa.gov/publications/laws/>. In some instances the NRMT recommended that certain existing FHCC requirements in WAC 170-296 remain, but with revised structure or wording (an early team recommendation was to rewrite the FHCC rules without the question-and-answer and pronoun format of the 2004 WAC 170-296).

Using the NRMT's in-concept recommendations, a drafting team comprised of one FHCC licensee and one DEL staff person wrote a NRMT working draft of the new WAC chapter. A Rule Review Group consisting of three FHCC licensees, two DEL staff and a CCR&R representative plus the two NRMT rule drafters (and the NRMT Coordinator as a WAC technical consultant) reviewed the working draft WAC for consistency with the NRMT recommendations and current law. The Rule Review Group/Rule Writers made decisions on a consensus basis and did not use a voting process.

As significant portions of the NRMT preliminary working draft rules were completed in 2009, nearly 40 small forums were held statewide to gather preliminary input, most sponsored by the local and statewide Family Home Child Care Associations or by SEIU, with participation at several forums by DEL staff and other NRMT members.

The 2009 state Legislature discontinued funding for the NRMT process (including meeting costs, the contracted independent facilitator, and DEL coordination and support) effective December 31, 2009. Newly appointed DEL Director Bette Hyde asked the team to prioritize work on remaining topic areas and suggest to DEL how to complete review of any unfinished topics. In response, the full NRMT and its sub-teams stepped up the pace of the work and met more frequently – see the NRMT notes from the May 6, 2009 through December 5, 2009 meetings at <http://www.del.wa.gov/publications/laws/>.

By the last full NRMT working meeting on December 5, 2009, the group completed recommendations on eleven of the thirteen topic areas, as well as most of the Health topic and a portion of Nurture and Guidance. The Rule Review Committee was tasked to complete work on those two topics as well as review of the writing team's draft rules, and did so by February 2010. The process culminated in a NRMT-recommended preliminary working draft of the new FHCC WAC that was circulated for public input in March and April 2010. See this link to read the NRMT's recommended WAC changes <http://www.del.wa.gov/publications/laws/docs/FHCCDraft.pdf>.

DEL Responds to the NRMT's Draft. Dr. Hyde reviewed the 300-page NRMT recommendations and preliminary draft rules. She met with the NRMT members on March 27, 2010, to personally present nearly 30 pages of her observations of the NRMT's working draft rules. She noted that about 90 percent of the NRMT's concept recommendations DEL could enact with little or no substantive change. But Dr. Hyde said the remainder of NRMT recommendations DEL would need to revise further into more robust standards to protect the safety, health and wellbeing of children in care. She directed DEL staff to gather more public and staff input on the NRMT working draft before the Department would begin writing the next drafts of the FHCC WAC.

Public Input on NRMT Working Draft Rules. DEL held eight forums statewide in April 2010 to take input on the NRMT draft WAC recommendations, in Tumwater, Vancouver, Everett, Seattle, Kent, Spokane, Pasco and Wenatchee. Comments were also received on the DEL rules comment website, by e-mail, fax and postal mail. In all, DEL received more than 300 pages of comments, which are summarized at this link <http://www.del.wa.gov/publications/laws/docs/NRMTPublicComments.pdf>.

DEL Develops Proposed Rules. Upon reviewing the NRMT working draft and comments on the draft, DEL began to:

- Reorganize and revise the NRMT's working draft into Washington Administrative Code (WAC) format;
- Repeal of the current WAC chapter 170-296 and replace it with a new WAC chapter (170-296A);
- Make the changes recommended by Dr. Hyde and many other suggested revisions from the public and DEL staff.
- Postpone proposing some changes recommended by the NRMT that would have required resources that were and remain unavailable to DEL in the state's current budget climate, including but not limited to: Developing comprehensive pre-service training prior to an applicant receiving a new FHCC license; Establishing new specialty licenses (and required training) for infant-toddler only child care, age 2 to 5-only care, and school-age-only care; and Creating a comprehensive Guidebook to accompany the new rules. DEL plans to continue pursuing these elements as resources permit, and the department may propose additional rules as appropriate at a later date.
- Do additional research on a variety of child safety, health and development topics, including but not limited to: fire safety, playground safety, causes of child injury and death, and other states' child care licensing laws and rules.
- Draft a Small Business Economic Impact Statement (SBEIS) to accompany the proposed rules. A SBEIS is an analysis required under chapter 19.85 RCW when a new or revised requirement in rule may create "more than minor" costs (as defined in the statute) for businesses that must comply with the rules. A SBEIS is not required for proposed WAC sections where the underlying requirement has not changed from the previous version of the WAC. A SBEIS is filed with the state Code Reviser with a state agency's proposed rules, and is subject to public review and comment.

SEIU/Licensees Seek More Discussion. DEL planned to file the proposed FHCC rules and SBEIS in October 2010 for public review and formal comment. However, SEIU and Licensees requested more time to discuss changes that DEL made to the rules since the NRMT working draft. DEL agreed to postpone the formal rule proposal. On October 29, 2010, Dr. Hyde and SEIU Local 925 President Kim Cook signed a joint letter to Family Home Child Care licensees around the state explaining what was occurring during this interim. From October through December 2010, SEIU and Licensees submitted concerns about the Department's draft proposed rules, and the Department and SEIU staff worked out a process for discussing the concerns. On January 7, 2011 DEL staff, SEIU staff, and former NRMT Rule Review Committee members met to discuss twenty-six draft WAC sections that SEIU and Licensees identified as the top concerns. From this discussion, DEL agreed to make some of the SEIU/Licensee's requested changes, did not agree to make others, and offered to gather more research on selected topics before completing the proposed rules.

As a result, DEL filed the proposed new chapter 170-296A and SBEIS with the state Code Reviser as required by RCW 34.05.320 on April 20, 2011, filing number 11-09-081.

Public Comment Process. DEL must hold at least one public hearing on a rule proposed for permanent adoption under RCW 34.05.320. From June 11 through June 25, 2011, the Department held public hearings in Everett, Renton, Tumwater, Vancouver, Yakima, Spokane and Pasco. An additional hearing was held in Seattle on July 9, 2011 when it was found that equipment failed to record the June 11, 2011 public hearing held at Renton and Everett by video conference – see the continuance notice

filed as WSR 11-14-037. Written comments were also accepted at the public hearings, at the DEL rules comment website, and by e-mail, fax or postal mail through the June 26, 2011 comment deadline. The Department also accepted written comments submitted at the continued July 9, 2011 hearing. The Concise Explanatory Statement prepared for final adoption of new chapter 170-296A WAC describes the issues raised in hearing testimony or written comments on the proposed rules.

The adopted rules reflect the Department's careful consideration of the comments received, further research suggested by commenters, and where appropriate, changes from the proposed to the final adopted version of chapter 170-296A WAC.

Adoption of these rules is consistent with Office of Financial Management guidance regarding Executive Order 10-06 suspending non-critical rule making, but permitting rules to proceed that *"...have been the subject of negotiated rule making or pilot rule making that involved substantial participation by interested parties before the development of the proposed rules..."*

Attachment B to CR-103P

For rules proposed as WSR 11-09-081

New Chapter 170-296A WAC – Licensed Family Home Child Care Standards

Citation of existing rules affected by this order:

Repealed: WAC:

170-296-0010	170-296-0420	170-296-0790	170-296-1120
170-296-0020	170-296-0430	170-296-0800	170-296-1130
170-296-0110	170-296-0440	170-296-0810	170-296-1140
170-296-0120	170-296-0450	170-296-0820	170-296-1150
170-296-0125	170-296-0460	170-296-0830	170-296-1160
170-296-0130	170-296-0470	170-296-0840	170-296-1170
170-296-0140	170-296-0480	170-296-0850	170-296-1180
170-296-0160	170-296-0490	170-296-0860	170-296-1190
170-296-0170	170-296-0500	170-296-0870	170-296-1200
170-296-0180	170-296-0510	170-296-0880	170-296-1210
170-296-0200	170-296-0520	170-296-0890	170-296-1220
170-296-0210	170-296-0530	170-296-0900	170-296-1230
170-296-0215	170-296-0540	170-296-0910	170-296-1240
170-296-0220	170-296-0550	170-296-0920	170-296-1250
170-296-0230	170-296-0560	170-296-0930	170-296-1260
170-296-0240	170-296-0570	170-296-0940	170-296-1280
170-296-0250	170-296-0580	170-296-0950	170-296-1290
170-296-0260	170-296-0590	170-296-0960	170-296-1300
170-296-0270	170-296-0600	170-296-0970	170-296-1320
170-296-0280	170-296-0610	170-296-0980	170-296-1330
170-296-0290	170-296-0620	170-296-0990	170-296-1340
170-296-0300	170-296-0630	170-296-1000	170-296-1350
170-296-0315	170-296-0640	170-296-1010	170-296-1360
170-296-0320	170-296-0650	170-296-1020	170-296-1370
170-296-0330	170-296-0700	170-296-1030	170-296-1380
170-296-0340	170-296-0710	170-296-1040	170-296-1390
170-296-0350	170-296-0720	170-296-1050	170-296-1400
170-296-0360	170-296-0730	170-296-1060	170-296-1410
170-296-0370	170-296-0740	170-296-1070	170-296-1420
170-296-0380	170-296-0750	170-296-1080	170-296-1430
170-296-0390	170-296-0760	170-296-1090	170-296-1440, and
170-296-0400	170-296-0770	170-296-1100	170-296-1450
170-296-0410	170-296-0780	170-296-1110	

Amended: None

Suspended: None

Attachment C to CR-103P

For Rules Proposed as WSR 11-09-081

New Chapter 170-296A WAC – Licensed Family Home Child Care Standards

Statutory Authority:

1. RCW 43.215.060 and 43.215.070 are authority for each new WAC section adopted in this order.
2. RCW 43.43.832(6) and chapter 293, Laws of 2011 (House Bill 1903) are additional authority for the following new sections: WAC 170-296A-0010, 170-296A-1200, 170-296A-1250, 170-296A-1325, 170-296A-1450, 170-196A-1975, 170-296A-2075, 170-296A-2100, and 170-296A-8175

Other Authority:

1. Chapter 43.215 RCW is other authority for all new WAC sections adopted in this order
2. Chapter 50, Laws of 2011, 1st Special Session (ESHB 1087, subsection 617(2)) is additional other authority for new WAC 170-296A-1325
3. Chapter 299, Laws of 2011 (SB 5005) is additional other authority for new WAC 170-296A-3300.
4. Chapter 296, Laws of 2011 (SB 5504) is additional other authority for new WAC 170-296A-8050, 170-296A-8350, and 170-296A-8375.
5. Chapter 297, Laws of 2011 (SB 5625) is additional other authority for new WAC 170-296A-1200, 170-296A-1250, 170-296A-1325, 170-296A-1430, 170-296A-1450, 170-296A-2175.
6. Chapter 293, Laws of 2011 (HB 1903) is additional other authority for new WAC 170-296A-1200, 170-296A-1250, 170-296A-170-296a-1450, 170-296A-1525, 170-296A-1975, 170-296A-2075, 170-296A-2100, and 170-296A-8175

Attachment D to CR-103P**For Rules Proposed as WSR 11-09-081****New WAC Chapter 170-296A – Licensed Family Home Child Care Standards****Describe any changes other than editing from (the) proposed to adopted version:**

The following table notes the changes DEL made from the rules as proposed in WSR 11-09-081 to the final rule as adopted, except minor edits. In general, changes were made as a result of comments received on the proposed rules, or to clarify the proposed rule.

1. The following adopted rules were revised to incorporate provisions or requirements of new laws passed by the 2011 Washington State Legislature. The proposed rules in WSR 11-09-081 noted that certain 2011 legislative changes, pending at the time the rules were proposed, could affect the adopted content of the rules. See table 3 below for the content of each revision:

2011 Laws affecting the proposed rules:	Proposed sections revised as a result:
House Bill 1087 (chapter 50, Laws of 2011, 1 st Special Session), the 2011-2013 state operating appropriations Act, section 617 (2). This subsection directed DEL to raise annual license fees for all licensed family home child cares and child care centers.	The new fee amount under HB 1087 is in 170-296A-1325(1). Proposed WAC 170-296A-1350 – Licensee fee amount, is withdrawn.
House Bill 1903 , (chapter 293, Laws of 2011). This bill creates a system of portable background checks for child care workers, and sets new fees and requirements for obtaining a background checks.	WAC 170-296A-1200 (2)(b) and (3), 170-296A-1325(4), and related cross references to these rules in other sections.
SB 5005 (chapter 299, Laws of 2011). This bill changed how a child’s exemption from state immunization requirements are documented.	WAC 170-296A-3300.
Senate Bill 5504 (chapter 296, Laws of 2011). This bill raised the maximum civil fine that may be levied to a family home child care licensee who violates these rules or provisions of chapter 43.215 RCW, and changes how DEL must give notice to an individual suspected of providing child care without a license, including notice of a potential civil fine.	WAC 170-296A-8050(1), 170-296A-8350, 170-296A-8375.
Senate Bill 5625 , (chapter 297, Laws of 2011). SB 5625 establishes the requirements for a child care facility to obtain and maintain a non-expiring license from DEL.	WAC 170-296A-1200(5), 170-296A-1250, 170-296A-1430, 170-296A-1450 and related cross references.

2. The following sections of chapter 170-296A WAC proposed in WSR 11-09-081 have been withdrawn. Where appropriate, the table shows where the content of the withdrawn section was moved. Certain other proposed WAC sections have been renumbered, with or without changing the section content - see table 3 for details of sections withdrawn and sections renumbered:

Proposed WAC section withdrawn:	Content of the withdrawn section moved to adopted WAC, if applicable:
170-296A-1350 License fee - amount	170-296A-1325 Fees – When due. Subsection (1)
170-296A-1500 Moving without submitting an application	170-296A-1475 Moves. Subsection (2)
170-296A-1550 Renewal application	Not applicable. This proposed section was made obsolete by passage of 2011 Senate Bill 5625.
170-296A-1575 Failure to submit a renewal application	Not applicable. This proposed section was made obsolete by passage of 2011 Senate Bill 5625.
170-296A-3350 Childs emergency rescue medications	170-296A-3325(2) Medication storage
170-296A-3400 Medication management	170-296A-3315 Medication management
170-296A-3975 Poisons	170-296A-4100 Poisons, chemicals and other substances. See new subsection (1).
170-296A-4975 Outdoor supervision	170-296A-5750 Supervision. This section also incorporates content from WAC 170-296A-7050
170-296A-5850 Notifying parents of closures, absences, staff changes	170-296A-5775 License absence
170-296A-5900 Notifying the licensor regarding the licensee's absence.	170-296A-2275 Other incident reporting to the department
170-296A-7050 Infant and toddler supervision	170-296A-5750 Supervision

3. The following table notes the changes DEL made from the sections as proposed in WSR 11-09-081 to the final rule as adopted, except minor edits. In general, changes were made as a result of comments received on the proposed rules, or to clarify the proposed rule. See the Department's *Concise Explanatory Statement* prepared under RCW 34.05.325 for issues raised in comments on the proposed rules, and Department responses. Contact the DEL Rules Coordinator at rules@del.wa.gov to obtain a copy of the Concise Explanatory Statement or write to: DEL Rules Coordinator, Department of Early Learning, PO Box 40970, Olympia, WA 98504-0970. An electronic copy is provided to all requests made by e-mail.

Rule proposed as WSR 11-09-081 on April 20, 2011	Final rule as adopted
<p>WAC 170-296A-0010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise:</p> <p>"Accessible to children" means areas of the facility and materials that the children can easily get to on their own.</p> <p>"Agency" as used in this chapter, has the same meaning as in RCW 43.215.010 (1) and (1)(c).</p> <p>"Available" means accessible and ready for use or service.</p> <p>"Capacity" means the maximum number of children the licensee is authorized by the department to have in care at any given time.</p> <p>"Child abuse or neglect" has the same meaning as "abuse or neglect" under RCW 26.44.020 and chapter 388-15 WAC.</p> <p>"Child care" means providing temporary custody, supervision, feeding, guidance, early learning program and activities of children, including transporting children in care.</p> <p>"Clean" means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water.</p> <p>"Confidential" means the protection of personal information, such as the child's records, from persons who are not authorized to see or hear it.</p> <p>"Department" or "DEL" means the Washington state department of early learning.</p> <p>"Developmentally appropriate" means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.</p> <p>"Discipline" means a method used to redirect a child in order to achieve a desired behavior.</p> <p>"DOH" means the Washington state department of health.</p> <p>"DSHS" means the Washington state department of social and health services.</p> <p>"Enforcement action" means a department issued:</p> <ul style="list-style-type: none"> (a) Denial, suspension, revocation or modification of a license; (b) Probationary license; (c) Civil monetary penalty (fine); or (d) Disqualification from having unsupervised access to children in care. <p>"Family home child care" means an individual licensed by the department to provide direct care, supervision, and early learning opportunities for twelve or fewer children in the home where the licensee resides as provided in RCW 43.215.010 (1)(c).</p> <p>"Fine" has the same meaning as "civil monetary penalty," "civil fines," or "monetary penalty" under chapter 43.215 RCW.</p> <p>"Inaccessible to children" means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.</p> <p>"Infant" means a child age birth through eleven months of age.</p> <p>"Licensed space" means the indoor and outdoor</p>	<p>WAC 170-296A-0010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise. Certain definitions appear in the section the term is used if the definition applies only to a specific section or sections:</p> <p>"Accessible to children" means areas of the facility and materials that the children can easily get to on their own.</p> <p>"Agency" as used in this chapter, has the same meaning as in RCW 43.215.010 (1) and (1)(c).</p> <p>"Available" means accessible and ready for use or service.</p> <p>"Bathroom" means any room containing a built-in flush-type toilet. <i>[definition added for clarity]</i></p> <p>"Capacity" means the maximum number of children the licensee is authorized by the department to have in care at any given time.</p> <p>"Child" means an individual who is younger than age thirteen, including any infant, toddler, preschool-age child, or school-age child as defined in this chapter. <i>[definition added per comment on the proposed rule]</i></p> <p>"Child abuse or neglect" has the same meaning as "abuse or neglect" under RCW 26.44.020 and chapter 388-15 WAC.</p> <p>"Child care" means the developmentally appropriate care, protection, and supervision of children that is designed to promote positive growth and educational experiences for children outside the child's home for periods of less than twenty-four hours a day.</p> <p>"Clean" or "cleaning" means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water. Cleaning is the first step in the process of sanitizing or disinfecting a surface or item.</p> <p>"Confidential" means the protection of personal information, such as the child's records, from persons who are not authorized to see or hear it.</p> <p>"Denial of a license" means an action by the department to not issue a child care license to an applicant for an initial license, or to a licensee operating under an initial license seeking a nonexpiring full license, based on the applicant's or initial licensee's inability or failure to meet the requirements of chapter 43.215 RCW or requirements adopted by the department pursuant to chapter 43.215 RCW. <i>[definition added per comment on the proposed rule]</i></p> <p>"Department" or "DEL" means the Washington state department of early learning.</p> <p>"Developmentally appropriate" means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.</p> <p>"Discipline" means a method used to redirect a child in order to achieve a desired behavior.</p> <p>"Disinfect" or "disinfecting" means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:</p> <ul style="list-style-type: none"> (a) A chlorine bleach and water solution of appropriate concentration; or

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<p>space on the premises approved by the department for the purpose of providing licensed child care.</p> <p>"Licensee" for the purposes of this chapter, means the individual listed on a family home child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.</p> <p>"Licensor" means an individual employed by the department and designated by the director to inspect and monitor an agency as defined in RCW 43.215.010(1) or child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.</p> <p>"MERIT" means the managed education registry information tool. "Modification of a license" means department action to change the conditions identified on a current license.</p> <p>"Nonprescription medication" means any of the following:</p> <ul style="list-style-type: none"> (a) Nonaspirin and aspirin fever reducers or pain relievers; (b) Nonnarcotic cough suppressants; (c) Ointments or lotions specially intended to relieve itching; (d) Diaper ointments and talc free powders specially used in the diaper area of children; (e) Sun screen; (f) Hand sanitizer gels; or (g) Hand wipes with alcohol. <p>"One year of experience" means at least twelve months of early learning experience as demonstrated by a resume and references:</p> <ul style="list-style-type: none"> (a) In a supervisory role in a child care setting where the individual was responsible for supervising staff and complying with licensing standards; or (b) As a Washington state: <ul style="list-style-type: none"> (i) Child care center or school age center director, program supervisor, or lead teacher as defined in chapters 170-151 and 170-295 WAC; or (ii) Family home child care licensee or qualified primary staff person. <p>"Physical restraint" means the practice of rendering a child helpless or keeping a child in captivity.</p> <p>"Poison" for the purposes of this chapter includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items, that even in small quantities are likely to cause injury or illness if it is swallowed or comes into contact with a child's skin, eyes, mouth, or mucus membranes.</p> <p>"Premises" means the licensed or unlicensed space including, but not limited to, buildings, land and residences at the licensed address.</p> <p>"Preschool age child" means a child age thirty months through five years of age who is not attending kindergarten or elementary school.</p> <p>"Primary staff person" means a staff person other</p>	<p>(b) Other disinfectant product if used strictly according to the manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled safe for food contact surfaces. <i>[definition added per comment on the proposed rule]</i></p> <p>"DOH" means the Washington state department of health.</p> <p>"DSHS" means the Washington state department of social and health services.</p> <p>"Enforcement action" means a department issued:</p> <ul style="list-style-type: none"> (a) Denial, suspension, revocation or modification of a license; (b) Probationary license; (c) Civil monetary penalty (fine); or (d) Disqualification from having unsupervised access to children in care. <p>"Family home child care" means a facility licensed by the department where child care is provided for twelve or fewer children in the family living quarters where the licensee resides as provided in RCW 43.215.010 (1)(c).</p> <p>"Family living quarters" means a licensee's or license applicant's residence and other spaces or buildings on the premises that meet the facility requirements of this chapter and are approved by the department for child care. <i>[definition moved from proposed WAC 170-296A-1050]</i></p> <p>"Fine" has the same meaning as "civil monetary penalty," "civil fines," or "monetary penalty" under chapter 43.215 RCW.</p> <p>"Inaccessible to children" means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.</p> <p>"Infant" means a child age birth through eleven months of age.</p> <p>"Licensed space" means the indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.</p> <p>"Licensee" for the purposes of this chapter, means the individual listed on a family home child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.</p> <p>"Licensor" means an individual employed by the department and designated by the director to inspect and monitor an agency or other child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.</p> <p>"MERIT" means the managed education registry information tool used to track professional development for early learning professionals. See also "STARS." <i>[definition modified for clarity]</i></p> <p>"Modification of a license" means department action to change the conditions identified on a current license. <i>[definition added per comment on the proposed rule]</i></p> <p>"Nonexpiring full license" or "nonexpiring license"</p>

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<p>than the licensee who has been authorized by the department to care for and have unsupervised access to children in care.</p> <p>"RCW" means Revised Code of Washington.</p> <p>"Sanitize" means to reduce the number of microorganisms on a surface by the process of using:</p> <ul style="list-style-type: none"> (a) A bleach and water solution; (b) Other sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry; or (c) For laundry and dishwasher use only, a bleach and water solution or temperature control. <p>"School age child" means a child not less than five years of age through twelve years of age who is attending kindergarten or school.</p> <p>"Screen time" means watching, using or playing television, computers, video games, video or DVD players, mobile communication devices, and similar devices.</p> <p>"Sleeping equipment" means (reserved).</p> <p>"Staff" unless referring specifically to a "primary staff person," means any primary staff person, assistant, or volunteer helping to provide child care, or a household member acting in the capacity of a primary staff person, assistant or volunteer, whether compensated or not compensated.</p> <p>"STARS" means the state training and registry system.</p> <p>"Toddler" means a child age twelve months through twenty-nine months of age.</p> <p>"Unlicensed space" means the indoor and outdoor areas of the premises, not approved as licensed space by DEL, that the licensee must make inaccessible to the children during child care hours.</p> <p>"Unsupervised access" has the same meaning as "unsupervised access" in WAC 170-06-0020.</p> <p>"WAC" means the Washington Administrative Code.</p> <p>"Weapons" means an instrument or device of any kind that is designed to be used to inflict harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun guns, or fighting implements.</p>	<p>means a full license that is issued to a licensee following the initial licensing period as provided in WAC 170-296A-1450. <i>[new definition to implement 2011 Senate Bill 5625]</i></p> <p>"Nonprescription medication" means any of the following:</p> <ul style="list-style-type: none"> (a) Nonaspirin and aspirin fever reducers or pain relievers; (b) Nonnarcotic cough suppressants; (c) Cold or flu medications; (d) Antihistamines or decongestants; (e) Teething pain reducers; (f) Vitamins; (g) Ointments or lotions specially intended to relieve itching; (h) Diaper ointments and talc free powders specially used in the diaper area of children; (i) Sun screen; (j) Hand sanitizer gels; or (k) Hand wipes with alcohol. <p>"One year of experience" means at least twelve months of early learning experience as demonstrated by a resume and references:</p> <ul style="list-style-type: none"> (a) In a supervisory role in a child care setting where the individual was responsible for supervising staff and complying with licensing standards; or (b) As a Washington state: <ul style="list-style-type: none"> (i) Child care center or school age center director, program supervisor, or lead teacher as defined in chapters 170-151 and 170-295 WAC; or (ii) Family home child care licensee or qualified primary staff person. <p>"Overnight care" means child care provided for a child anytime between the hours of eight o'clock at night and six o'clock in the morning that includes a sleep period for the child.</p> <p>"Personal needs" means an individual's hygiene, toileting, medication, cleansing, eating or clothing needs. "Personal needs" does not mean smoking or use of tobacco products, illegal drug use or misuse of prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended. <i>[definition clarified per comment on the proposed rule and moved from WAC 170-296A-1925]</i></p> <p>"Physical restraint" means the practice of rendering a child helpless or keeping a child in captivity.</p> <p>"Poison" for the purposes of this chapter includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items, that even in small quantities are likely to cause injury or illness if it is swallowed or comes into contact with a child's skin, eyes, mouth, or mucus membranes.</p> <p>"Premises" means the licensed or unlicensed space at the licensed address including, but not limited to, buildings, land and residences.</p> <p>"Preschool age child" means a child age thirty months through five years of age who is not attending kindergarten or elementary school.</p>

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	<p>"Primary staff person" means a staff person other than the licensee who has been authorized by the department to care for and have unsupervised access to children in care.</p> <p>"RCW" means Revised Code of Washington.</p> <p>"Revocation" or "revoke" means the formal action by the department to close a child care business and take the license due to the licensee's failure to comply with chapter 43.215 RCW or requirements adopted pursuant to chapter 43.215 RCW. <i>[definition added per comment on the proposed rule]</i></p> <p>"Sanitize" means to reduce the number of microorganisms on a surface by the process of:</p> <ul style="list-style-type: none"> (a) Cleaning and rinsing, followed by using: <ul style="list-style-type: none"> (i) A chlorine bleach and water solution of appropriate concentration; or (ii) Another sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as safe for food contact surfaces; or (b) For laundry and dishwasher use only, "sanitize" means use of a bleach and water solution or temperature control. <i>[definition revised per comment on the proposed rule]</i> <p>"School age child" means a child not less than five years of age through twelve years of age who is attending kindergarten or school.</p> <p>"Screen time" means watching, using or playing television, computers, video games, video or DVD players, mobile communication devices, and similar devices.</p> <p>"Sleeping equipment" includes a bed, cot, mattress, mat, crib, bassinet, play yard or "pack and play." "Sleeping equipment" does not include any car seat or infant swing. <i>[definition added for clarity]</i></p> <p>"Staff" unless referring specifically to a "primary staff person," means any primary staff person, assistant, or volunteer helping to provide child care, or a household member acting in the capacity of a primary staff person, assistant or volunteer, whether compensated or not compensated.</p> <p>"STARS" means the state training and registry system. <i>[definition added per comment on the proposed rule]</i></p> <p>"Suspension of a license" means a formal department action to stop a license pending a department decision regarding further enforcement action. <i>[definition added per comment on the proposed rule]</i></p> <p>"Toddler" means a child age twelve months through twenty-nine months of age.</p> <p>"Unlicensed space" means the indoor and outdoor areas of the premises, not approved as licensed space by DEL, that the licensee must make inaccessible to the children during child care hours.</p> <p>"Unsupervised access" has the same meaning as "unsupervised access" in WAC 170-06-0020.</p> <p>"WAC" means the Washington Administrative Code.</p> <p>"Weapons" means an instrument or device of any kind that is used or designed to be used to inflict harm including, but</p>

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	not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun devices, or fighting implements.
	<i>[definition added per comment on the proposed rule and for clarity]</i>
	WAC 170-296A-0050 Special needs accommodations. <i>[The entire content of this section was moved from 170-296A-6725 without change]</i>
<p>WAC 170-296A-1025 Who must be licensed. An individual must be licensed to care for children if any of the following apply:</p> <p>(1) Care is provided in the individual's home for one or more children not related to the licensee, outside the child's home on a regular and ongoing basis, not to exceed twelve children as provided by statute; or</p> <p>(2) Care is provided in the individual's home for preschool age children for more than four hours a day.</p>	<p>WAC 170-296A-1025 Who must be licensed. An individual must be licensed to care for children if any of the following apply:</p> <p>(1) Care is provided in the individual's home and outside the child's home on a regular and ongoing basis for one or more children not related to the licensee. As used in this section, "not related" means not any of the relatives listed in RCW 43.215.010 (2)(a); or</p> <p>(2) Care is provided in the individual's home for preschool age children for more than four hours a day.</p> <p>See WAC 170-296A-8350 regarding providing child care without a license.</p> <p><i>[This section was revised for clarity and to be consistent with RCW 43.215.010]</i></p>
<p>WAC 170-296A-1050 The licensee. (1) The licensee is the individual or individuals:</p> <p>(a) Who resides in the home licensed for family home child care under this chapter;</p> <p>(b) Whose name appears on the license issued by the department;</p> <p>(c) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee's home in the family living quarters. As used in this section, "family living quarters" may include:</p> <p>(i) The licensee's or license applicant's residence; and</p> <p>(ii) Other spaces and buildings on the premises that meet the facility requirements of this chapter and are approved by the department for child care;</p> <p>(d) Responsible for the overall management of the licensed family child care home;</p> <p>(e) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, chapter 170-06 WAC DEL background check rules, and other applicable laws or rules; and</p> <p>(f) Responsible for training staff on the licensing standards in this chapter.</p> <p>(2) The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations.</p> <p>(3) The licensee may hold only one current family home child care license.</p>	<p>WAC 170-296A-1050 The licensee. (1) The licensee is the individual or individuals:</p> <p>(a) Who resides in the home licensed for family home child care under this chapter;</p> <p>(b) Whose name appears on the license issued by the department;</p> <p>(c) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee's home in the family living quarters;</p> <p>(d) Responsible for the overall management of the licensed family child care home;</p> <p>(e) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, chapter 170-06 WAC DEL background check rules, and other applicable laws or rules; and</p> <p>(f) Responsible for training staff on the licensing standards in this chapter.</p> <p>(2) The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations.</p> <p>(3) The licensee may hold only one current family home child care license.</p> <p><i>[the definition of "family living quarters" was moved to WAC 170-296A-010 for clarity]</i></p>
<p>WAC 170-296A-1175 STARS basic twenty-hour training. A license applicant must complete the basic twenty-hour STARS training prior to an initial license being granted by the department.</p>	<p>WAC 170-296A-1175 Basic twenty-hour STARS training. A license applicant must complete the basic twenty-hour STARS training prior to an initial license being granted by the department.</p>

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	<i>[The title of this section revised as a result of comments on the proposed rules]</i>
<p>WAC 170-296A-1200 Background checks.¹ (1) The license applicant or licensee must submit a completed background check form and obtain an authorization letter from the department consistent with the requirements of chapter 170-06 WAC for each of the following:</p> <ul style="list-style-type: none"> (a) Any license applicant; (b) The licensee; (c) Each staff person or volunteer age sixteen or older; and (d) Each individual age sixteen or older who resides in the home. <p>(2) Any individual who must undergo a background check under chapter 170-06 WAC and who has resided in Washington state for less than three years must complete the department fingerprint process. See WAC 170-06-0040(1) and RCW 43.215.215.</p> <p>(3) The licensee must keep background check authorization letters from the department on file for each individual listed in this section.</p> <p>(4) A completed background check form and department authorization is required for each new staff or volunteer age sixteen or older, any person residing in the home who becomes sixteen years old, or for any person age sixteen or older who moves into the home. See WAC 170-06-0040.</p> <p>(5) The licensee must not allow any individual who has not obtained a background check authorization letter from the department to have unsupervised access to the children at any time.</p>	<p>WAC 170-296A-1200 Background checks. (1) The license applicant or licensee must submit a completed background check form and obtain an authorization (clearance) from the department consistent with the requirements of chapter 170-06 WAC for each of the following:</p> <ul style="list-style-type: none"> (a) The license applicant; (b) The licensee; (c) Each new staff person or volunteer age sixteen or older; (d) Each individual age sixteen or older residing in the home; (e) Each individual age sixteen or older who moves into the home; and (f) Any individual age sixteen or older who may have unsupervised access to children in care. <p>(2)(a) Effective through June 30, 2012, any individual who must undergo a background check under chapter 170-06 WAC and who has resided in Washington state for less than three years must complete the department fingerprint process.</p> <p>(b) Effective July 1, 2012, each individual seeking a first time DEL background check must undergo a fingerprint-based FBI background check. See RCW 43.215.215.</p> <p>(3) The licensee must keep background check authorization letters from the department on file for each individual listed in this section. Effective July 1, 2012, a licensee must keep a copy of the department authorization or certification for each primary staff person, assistant, or volunteer who works in the licensed home.</p> <p>(4) The licensee must not allow any individual who has not been authorized by the department to have unsupervised access to the children in care at any time.</p> <p>(5) The licensee must verify annually that each individual who is required to have a background check under this section has either obtained a department clearance or has applied for a department background check. The verification must be submitted with the licensee's annual license fee and declarations required under WAC 170-296A-1450.</p> <p><i>[Subsection (1)(f) is added to be consistent with RCW 43.43.832(6). Proposed subsections (2) and (3) [now (4)] are revised consistent with 2011 House Bill 1903. New subsection (6) is added consistent with 2011 Senate Bill 5625.]</i></p>

¹ This section may be revised at the final rule due to 2011 legislative action.

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<p>WAC 170-296A-1225 Noncriminal background checks for individuals thirteen to sixteen years of age. (1) Each volunteer or assistant in the licensed family home child care age fourteen to sixteen years old, and each individual residing in the licensee's home age thirteen to sixteen years old, must undergo a noncriminal background check.</p> <p>(2) The licensee must submit a signed and dated noncriminal background check application on a form approved by the department:</p> <p>(a) Within seven days after the volunteer or assistant age fourteen to sixteen starts work in the licensed child care; and</p> <p>(b) For each individual residing in the home age thirteen to sixteen:</p> <p>(i) With the licensee's initial license application or renewal application;</p> <p>(ii) Within seven days after an individual residing in the home reaches age thirteen; and</p> <p>(iii) Within seven days after an individual age thirteen to sixteen moves into the home.</p> <p>(3) The department conducts a noncriminal background check, and authorizes or disqualifies an individual age thirteen to sixteen as described in chapter 170-06 WAC, except that the department does not:</p> <p>(a) Review convictions or pending charges for disqualifying crimes under WAC 170-06-0050(1), unless the conviction was the result of prosecution of the juvenile as an adult; and</p> <p>(b) Disqualify an individual for a conviction under WAC 170-06-0070 (1) and (2), unless the conviction was the result of prosecution of the juvenile as an adult.</p> <p>(4) An individual who is disqualified from providing child care or having access to children in care following a noncriminal background check as described in this section has the right to appeal the department's decision under WAC 170-06-0090.</p> <p>(5) The licensee must keep authorization letters from the department on file for each individual listed in this section.</p>	<p>WAC 170-296A-1225 Noncriminal background checks for individuals thirteen to sixteen years of age. (1) Each volunteer or assistant in the licensed family home child care age fourteen to sixteen years old, and each individual residing in the licensee's home age thirteen to sixteen years old, must undergo a noncriminal background check.</p> <p>(2) The licensee must submit a signed and dated noncriminal background check application on a form approved by the department:</p> <p>(a) Within seven days after the volunteer or assistant age fourteen to sixteen starts work in the licensed child care; and</p> <p>(b) For each individual residing in the home age thirteen to sixteen:</p> <p>(i) With the licensee's initial license application or annual nonexpiring license declaration under WAC 170-296A-1450;</p> <p>(ii) Within seven days after an individual residing in the home reaches age thirteen; and</p> <p>(iii) Within seven days after an individual age thirteen to sixteen moves into the home.</p> <p>(3) The department conducts a noncriminal background check, and authorizes or disqualifies an individual age thirteen to sixteen as described in chapter 170-06 WAC, except that the department does not:</p> <p>(a) Review convictions or pending charges for disqualifying crimes under WAC 170-06-0050(1), unless the conviction was the result of prosecution of the juvenile as an adult; and</p> <p>(b) Disqualify an individual for a conviction under WAC 170-06-0070 (1) and (2), unless the conviction was the result of prosecution of the juvenile as an adult.</p> <p>(4) An individual who is disqualified from providing child care or having access to children in care following a noncriminal background check as described in this section has the right to appeal the department's decision under WAC 170-06-0090.</p> <p>(5) The licensee must keep authorization letters from the department on file for each individual listed in this section.</p> <p><i>[Subsection (2)(b)(i) was added consistent with requirements for the licensee to obtain or continue a non-expiring child care license under Senate Bill 5625]</i></p>
<p>WAC 170-296A-1250 License application packet--Contents. (1) The individual seeking a license under this chapter is the license applicant.</p> <p>(2) A license applicant must submit a license application packet that includes:</p> <p>(a) A completed department application form and copy of the applicant's orientation certificate;</p> <p>(b) Copy of license applicant's current government issued photo identification;</p> <p>(c) Documentation of the licensee's high school diploma or equivalent education under WAC 170-296A-1725;</p> <p>(d) Resume for the license applicant;</p> <p>(e) References from three individuals not related to the license applicant;</p> <p>(f)(i) Copy of license applicant's Social Security card</p>	<p>WAC 170-296A-1250 Initial license application packet--Contents. (1) The individual seeking an initial license under this chapter is the license applicant.</p> <p>(2) A license applicant must submit a license application packet that includes:</p> <p>(a) A completed department application form and copy of the applicant's orientation certificate;</p> <p>(b) Copy of license applicant's current government issued photo identification;</p> <p>(c) Documentation of the license applicant's high school diploma or equivalent education under WAC 170-296A-1725;</p> <p>(d) Resume for the license applicant;</p> <p>(e) References from three individuals not related to the license applicant;</p> <p>(f)(i) Copy of license applicant's Social Security card</p>

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<p>pursuant to 42 U.S.C. 666(a)(13) and RCW 26.23.150 regarding child support;</p> <p>(ii) If the license applicant does not have a Social Security card, the applicant must provide a sworn declaration stating that he or she does not have a Social Security card;</p> <p>(g) Copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff;</p> <p>(h) Tuberculosis test results for the license applicant, each staff person, and household members sixteen years old or older. See WAC 170-296A-1750;</p> <p>(i) Copy of first-aid/CPR/bloodborne pathogens training certificates for the license applicant and each staff person as described in WAC 170-296A-1825;</p> <p>(j) Copy of the license applicant's state food handler permit as described in WAC 170-296A-7675;</p> <p>(k) Completed background clearance forms for the license applicant and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;</p> <p>(l) A completed noncriminal background check application form for each assistant and volunteer fourteen to sixteen years of age, and each individual age thirteen to sixteen residing in the home;</p> <p>(m) Parent, staff and operation policies (handbooks). See WAC 170-296A-2350, 170-296A-2375, 170-296A-2400, and 170-296A-2425;</p> <p>(n) Floor plan, including proposed licensed and unlicensed space;</p> <p>(o) Septic system inspection report if applicable under WAC 170-296A-1375;</p> <p>(p) Well water testing report if applicable under WAC 170-296A-1400;</p> <p>(q) Lead or arsenic evaluation agreement, only for a site located in the Tacoma smelter plume under WAC 170-296A-1360; and</p> <p>(r) The license fees under WAC 170-296A-1325 and 170-296A-1350.²</p> <p>(3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsection (2)(b) through (f) and (2)(h) through (k) of this section.</p>	<p>pursuant to 42 U.S.C. 666(a)(13) and RCW 26.23.150 regarding child support.</p> <p>(ii) If the license applicant does not have a Social Security card, the applicant must provide a sworn declaration stating that he or she does not have a Social Security card.;</p> <p>(g) Copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff;</p> <p>(h) Tuberculosis test results or required documentation for the license applicant, each staff person, and household members sixteen years old or older. See WAC 170-296A-1750;</p> <p>(i) Copy of first-aid/CPR training and HIV/AIDS training certificates for the license applicant and each staff person required to complete such training as described in WAC 170-296A-1825 and 170-296A-1850;</p> <p>(j) Copy of the license applicant's state food handler permit as described in WAC 170-296A-7675;</p> <p>(k) Completed background clearance forms for the license applicant and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;</p> <p>(l) A completed noncriminal background check application form for each assistant and volunteer fourteen to sixteen years of age, and each individual age thirteen to sixteen residing in the home;</p> <p>(m) Parent, staff and operation policies (handbooks). See WAC 170-296A-2350, 170-296A-2375, 170-296A-2400, and 170-296A-2425;</p> <p>(n) Floor plan, including proposed:</p> <p>(i) Licensed space;</p> <p>(ii) Licensed space usage;</p> <p>(iii) Evacuation routes and emergency exits;</p> <p>(iv) Unlicensed space;</p> <p>(v) Licensed space used specifically for sleeping infants, if applicable; and</p> <p>(vi) Licensed space used for sleeping children for overnight care, if applicable.</p> <p>(o) Septic system inspection report if applicable under WAC 170-296A-1375;</p> <p>(p) Well water testing report if applicable under WAC 170-296A-1400;</p> <p>(q) Lead or arsenic evaluation agreement, only if the home is located in the Tacoma smelter plume under WAC 170-296A-1360; and</p> <p>(r) The license fees and other fees under WAC 170-296A-1325.</p> <p>(3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsection (2)(b) through (f) and (2)(h) through (k) of this section.</p> <p><i>[Subsection (2)(i) is revised to be consistent with changes to WAC 170-296A-1850. Subsection (2)(n) is revised to clarify the required contents of a floor plan]</i></p>

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<p>WAC 170-296A-1275 Application processing. (1) The department may take up to ninety days to complete the licensing process. The ninety days begins when the license applicant's signed and dated application packet, fees and background check forms have been received by the department.</p> <p>(2) If an incomplete application packet is submitted the department will inform the license applicant of the deficiencies and provided a time frame in which to provide the required information. If an application remains incomplete after ninety days the department may deny the license.</p>	<p>WAC 170-296A-1275 Initial license application processing. (1) The department may take up to ninety days to process an initial license application. The ninety days begins when the license applicant's signed and dated license application packet, fees and background check forms have been received by the department.</p> <p>(2) If an incomplete application packet is submitted, the department will inform the license applicant of the deficiencies and provide a time frame for the applicant to provide the required information. If an application remains incomplete after ninety days the department may deny the license.</p> <p><i>[This section is revised for clarity]</i></p>
<p>WAC 170-296A-1325 License fee--When due. (1) A license applicant must pay a nonrefundable license fee with the license application.</p> <p>(2) After a license is issued, the licensee must pay the license fee annually. The fee is due on or before the anniversary date of the license.</p> <p>(3) Payment must be in the form of a check or money order.</p> <p>WAC 170-296A-1350 License fee amount. The license fee is twenty-four dollars, or as otherwise set by the legislature.</p>	<p>WAC 170-296A-1325 Fees--When due.</p> <p>License fees.</p> <p>(1) The annual family home child care license fee is thirty dollars, or as otherwise set by the legislature;</p> <p>(2) The license fee is nonrefundable and is due:</p> <p>(a) With the license applicant's initial license application packet; and</p> <p>(b) Annually thereafter, thirty days prior to the anniversary date of the license.</p> <p>(3) Payment must be in the form of a check or money order.</p> <p>Background check fees.</p> <p>(4) Effective July 1, 2012:</p> <p>(a) Each individual required to obtain a department background check must pay the fee established under chapter 170-06 WAC. The fee must be submitted with the individual's completed and signed background check application form.</p> <p>(b) Each individual applying for a first-time license application or each individual applying for the first time for a department background check clearance must be fingerprinted and pay the processing fee.</p> <p><i>[Proposed WAC 170-296A-1350 was deleted and its content moved to WAC 170-296A-1325(1). The annual license fee amount was revised consistent with House Bill 1087 raising annual fees for all licensed child care.]</i></p>
<p>WAC 170-296A-1375 Private septic system--Inspection and maintenance. (1) If the licensed premises is served by a private septic system (not connected to a sewer system) the septic system must be maintained in a manner acceptable to the local public health authority.</p> <p>(2) The licensee must follow the local public health authority's requirements for periodic septic system inspection and maintenance.</p> <p>(3) If there are no local public health requirements for periodic septic system inspections the licensee must:</p> <p>(a) Have the system inspected by a septic system inspector certified by the local public health authority:</p> <p>(i) Within six months prior to submitting a license application under WAC 170-296A-1250; and</p> <p>(ii) Every three years after a license is issued under this chapter.</p> <p>(b) Maintain the septic system as required by the inspection report.</p> <p>(4) Septic system inspection and maintenance</p>	<p>WAC 170-296A-1375 Private septic system--Inspection and maintenance. (1) If the licensed premises is served by a private septic system (not connected to a sewer system) the septic system must be maintained in a manner acceptable to the local public health jurisdiction.</p> <p>(2) The licensee must follow the local health jurisdiction's requirements for periodic septic system inspection and maintenance.</p> <p>(3) If there are no local health jurisdiction's requirements for periodic septic system inspections the licensee must:</p> <p>(a) Have the system inspected by a septic system inspector certified by the local health jurisdiction:</p> <p>(i) Within six months prior to submitting a license application under WAC 170-296A-1250; and</p> <p>(ii) Every three years after initial license is issued to the license applicant under this chapter; and</p> <p>(b) Maintain the septic system as required by the inspection report.</p>

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records must be kept on the premises and made available to the department upon request.	<p>(4) Septic system inspection and maintenance records must be kept on the premises and made available to the department upon request.</p> <p><i>[This section revised per comments on the proposed rule]</i></p>
<p>WAC 170-296A-1400 Private well and water system. (1) If the licensed family home child care gets water from a private well on the premises, the licensee must follow the local public health authority's requirements for periodic water testing.</p> <p>(2) If there are no local public health requirements for periodic water testing, the licensee must have the water tested for coliform bacteria and nitrates by the local public health authority or qualified private testing laboratory:</p> <p>(a) Within six months prior to submitting a license application under WAC 170-296A-1250; and</p> <p>(b) Every three years after a license is issued under this chapter. The test must indicate no presence of coliform bacteria, and "safe" levels of nitrates as defined by the state department of health (DOH).</p> <p>(3) If test results indicate the presence of coliform bacteria or unsafe nitrate levels as defined by DOH, the licensee must:</p> <p>(a) Immediately stop using the well water in the child care and inform the local public health authority and the department;</p> <p>(b) Take steps required by the local public health authority to repair the well or water system; and</p> <p>(c) Test the water as often as required by the local public health authority until tests indicate no presence of coliform bacteria and safe levels of nitrates.</p> <p>(4)(a) If directed by the local public health authority or the department, the licensee must suspend child care operations until repairs are made; or</p> <p>(b) If the local public health authority and the department determine that child care operations may continue with an alternate source of safe water, provide the safe water as directed.</p> <p>(5) Water testing and system repair records must be kept on the premises and made available to the department upon request.</p>	<p>WAC 170-296A-1400 Private well and water system. (1) If the licensed family home child care gets water from a private well on the premises, the licensee must follow the local health jurisdiction's requirements for periodic water testing.</p> <p>(2) If there are no local health jurisdiction requirements for periodic water testing, the licensee must have the water tested for coliform bacteria and nitrates by the local public health authority or private testing laboratory certified to analyze drinking water samples under chapter 173-50 WAC:</p> <p>(a) Within six months prior to submitting an initial license application under WAC 170-296A-1250; and</p> <p>(b) Every three years after the first initial license is issued to the license applicant under this chapter. The test results must indicate no presence of coliform bacteria, and must not exceed ten parts per million (ppm) for nitrate.</p> <p>(3) If test results indicate the presence of coliform bacteria or nitrate greater than ten ppm the licensee must:</p> <p>(a) Immediately retest the water;</p> <p>(b) If the retest indicates the presence of coliform bacteria or nitrate greater than ten ppm, immediately stop using the well water in the child care and inform the local health jurisdiction and the department;</p> <p>(c) Take steps required by the local health jurisdiction to repair the well or water system; and</p> <p>(d) Test the water as often as required by the local health jurisdiction until tests indicate no presence of coliform bacteria and nitrate levels not exceeding ten ppm.</p> <p>(4)(a) If directed by the local health jurisdiction or the department, the licensee must suspend child care operations until repairs are made; or</p> <p>(b) If the local health jurisdiction and the department determine that child care operations may continue with an alternate source of safe water, provide the alternate safe water as directed.</p> <p>(5) Water testing and system repair records must be kept on the premises and made available to the department upon request.</p> <p><i>[This section revised per comments on the proposed rule]</i></p>

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<p>WAC 170-296A-1430 Initial license. An applicant who demonstrates compliance with health and safety requirements of this chapter, but may not be in full compliance with all requirements, may be issued an initial license.</p> <p>(1) An initial license is valid for six months from the date issued.</p> <p>(2) At the department's discretion, an initial license may be extended for up to three additional six month periods.</p> <p>(3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.</p>	<p>WAC 170-296A-1430 Initial license. An applicant who demonstrates compliance with health and safety requirements of this chapter, but may not be in full compliance with all requirements, may be issued an initial license.</p> <p>(1) An initial license is valid for six months from the date issued.</p> <p>(2) At the department's discretion, an initial license may be extended for up to three additional six-month periods not to exceed a total of two years.</p> <p>(3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.</p> <p>(4) The department must evaluate the licensee's ability to follow all of the rules contained in this chapter during the initial license period.</p> <p>(5) The department may issue a nonexpiring full license to a licensee operating under an initial license who:</p> <p>(a) Demonstrates full compliance with the health and safety requirements of this chapter at any time during the period of initial licensure;</p> <p>(b) Demonstrates substantial compliance with other requirements of this chapter at any time; and</p> <p>(c) Meets the requirements for a nonexpiring full license as provided in WAC 170-296A-1450(1).</p> <p>(6) The department must deny a nonexpiring full license to a licensee operating under an initial license who does not demonstrate the ability to comply with all the rules contained in this chapter during the period of initial licensure.</p> <p><i>[Subsection (4) is added for clarity consistent with RCW 43.215.280. New subsections (5) and (6) are added consistent with 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-1450 Full license--License issued for three years.³ A licensee operating under an initial license who demonstrates full or substantial compliance with the requirements of this chapter may be issued a full license. The full license is valid for three years from the date a first initial license was issued, unless otherwise suspended or revoked, or the department issues a probationary license.</p>	<p>WAC 170-296A-1450 Nonexpiring full license. (1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis, at least thirty calendar days prior to the anniversary date of the license. The anniversary date is the date the licensee's first initial license is issued:</p> <p>(a) The annual nonrefundable license fee as provided in WAC 170-296A-1325(1);</p> <p>(b) A declaration to the department on a department-approved form indicating:</p> <p>(i) The licensee's intent to continue operating a licensed family home child care; or</p> <p>(ii) The licensee's intent to cease operation on a date certain.</p> <p>(c) A declaration on a department-approved form that the licensee is in compliance with all department licensing rules; and</p> <p>(d) Documentation of completed background check applications as determined by the department established schedule as provided in RCW 43.215.215 (2)(f). For each individual required to have a background check clearance, the licensee must verify a current background check clearance or</p>

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	<p>submit a background check application at least thirty days prior to the license anniversary date.</p> <p>(2) The requirements of subsection (1) of this section must be met:</p> <p>(a) Before a licensee operating under an initial license is issued a nonexpiring full license; and</p> <p>(b) Every twelve months after issuance of a nonexpiring full license.</p> <p>(3) If the licensee fails to meet the requirements in subsection (1) of this section for continuation of a nonexpiring full license, the license expires and the licensee must submit a new application for licensure.</p> <p>(4) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practice.</p> <p>(5) A licensee has no right to an adjudicated proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring full license as a result of the licensee's failure to comply with the requirements of this section.</p> <p><i>[This section completely revised to be consistent with 2011 Senate Bill 5625. The bill made the three-year license renewal requirement obsolete. SB 5625 was supported by family home child care licensees and licensee advocates.]</i></p>
<p>WAC 170-296A-1475 Moves. If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter. The licensee must:</p> <p>(1) Notify the department of the proposed move and the date the licensee plans to move;</p> <p>(2) Submit an application as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving;</p> <p>(3) Submit the application before the move; and</p> <p>(4) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.</p>	<p>WAC 170-296A-1475 Moves. If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter.</p> <p>(1) The licensee must:</p> <p>(a) Notify the department of a proposed move and the date the licensee plans to move;</p> <p>(b) Submit an application before the move, as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving; and</p> <p>(c) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.</p> <p>(2) If the licensee moves and does not notify the department, or submits an application after a move, the license becomes invalid and is closed by the department effective on the date of the move. If the license is closed, the licensee must submit a new application for licensure under WAC 170-296A-1250 to reinstate the license.</p> <p><i>[This section was revised to clarify subsections (1) through (4). Subsection (5) incorporates and clarifies the content of withdrawn WAC 170-296A-1500]</i></p>
<p>WAC 170-296A-1500 Moving without submitting application. If the licensee moves, and does not notify the department and submit an application prior to the move, the license becomes invalid and is closed by the department as of the date of the move.</p>	<p><i>WAC 170-296A-1500 is withdrawn and its content is revised and moved to WAC 170-296A-1475(5).</i></p>
<p>WAC 170-296A-1525 Change in circumstances. (1) The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours,</p>	<p>WAC 170-296A-1525 Change in circumstances. (1) The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours,</p>

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<p>including:</p> <ul style="list-style-type: none"> (a) The facility; (b) Household members; or (c) The child care operation. <p>(2) The licensee must report to the department within twenty-four hours after the licensee, staff, or a household member is:</p> <ul style="list-style-type: none"> (a) Charged or convicted with a disqualifying crime under WAC 170-06-0120; or (b) Alleged to have committed, or received a finding of abuse or neglect of a child or vulnerable adult. 	<p>including:</p> <ul style="list-style-type: none"> (a) Household members, including individuals age sixteen or older moving into or out of the home; (b) Fire or other structural damage to the licensed child care space or other parts of the premises; or (c) Prior to making structural changes to the licensed space or changing licensed space usage. An updated floor plan must be submitted and approved by the department. <p>(2) Within twenty-four hours after a licensee becomes aware of a charge or conviction involving (a) the licensee; (b) a staff person; or (c) a household member, and the charge or conviction is a disqualifying crime under WAC 170-06-0120, the licensee must report to the department the fact that there is a charge or conviction involving a disqualifying crime against the licensee, staff person, or a household member.</p> <p>(3) Within twenty-four hours after a licensee becomes aware of an allegation or finding made against (a) the licensee; (b) a staff person; or (c) a household member involving the abuse or neglect of a child or vulnerable adult, the licensee must report to the department the fact that there is an allegation of abuse or neglect of a child or vulnerable adult made against the licensee, staff person or household member.</p> <p><i>[This section revised for clarity as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-1550 Renewal application. The licensee who wishes to continue providing licensed child care must submit a completed renewal application packet every three years. The renewal application packet must be received by the department at least ninety days prior to the license expiration date. The packet must include all of the following required documentation:</p> <ul style="list-style-type: none"> (1) Renewal application, on a form provided by the department; (2) New background clearance forms for the licensee, staff, household members sixteen years old and older, and anyone sixteen years old and older having unsupervised access to the children in care as described in WAC 170-06-0040; (3) Completed noncriminal background check application forms for each volunteer and assistant age fourteen to sixteen; and each individual age thirteen to sixteen residing on the premises as described in WAC 170-296A-1225; (4) Copies of licensee and staff's current first aid and CPR certificates required under WAC 170-296A-1825; (5) Copy of the licensee's current state food handler permit required under WAC 170-296A-7675; (6) Copy of licensee's current government issued picture identification; (7) Current parent handbook as described in WAC 170-296A-2375; (8) Revised floor plan if applicable; (9) Septic inspection report if applicable under WAC 170-296A-1375; (10) Water test report if applicable under WAC 170-296A-1400; and 	<p><i>[WAC 170-296A-1550 was made obsolete by 2011 Senate Bill 5625. This proposed rule has been withdrawn.]</i></p>

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(11) If applicable, any other changes to the program.	
WAC 170-296A-1575 Failure to submit a renewal application. If the department does not receive a completed renewal application at least ninety days prior to the license expiration date, the license may lapse or renewal may be denied. A new license application must be submitted under WAC 170-296A-1250 if the license lapses or renewal is denied.	<i>WAC 170-296A-1575 was made obsolete by 2011 Senate Bill 5625. This proposed rule has been withdrawn.]</i>
<p>WAC 170-296A-1625 Exception to rule. (1) The department cannot waive a requirement in state or federal law.</p> <p>(2) The department may approve an exception to a rule in this chapter.</p> <p>(3) An exception to rule request must be:</p> <p>(a) In writing on a department form;</p> <p>(b) Submitted by the licensor; and</p> <p>(c) Approved by the director or director's designee.</p> <p>(4) The department may approve an exception only for a specific purpose or child.</p> <p>(5) An exception is time limited and may not exceed the specific time approved or the expiration date of the license.</p> <p>(6) If the exception request is approved, the licensee must post notice of an approved exception with other notices that must be posted for parent and public view, unless the exception is for a specific child.</p> <p>(7) The department's denial of an exception request is not subject to appeal under chapter 170-03 WAC.</p>	<p>WAC 170-296A-1625 Exception to rule. (1) The department cannot waive a requirement in state or federal law.</p> <p>(2) The department may approve an exception to a rule in this chapter.</p> <p>(3) An exception to rule request must be:</p> <p>(a) In writing on a department form;</p> <p>(b) Submitted by the licensor; and</p> <p>(c) Approved by the director or director's designee.</p> <p>(4) The department may approve an exception only for a specific purpose or child.</p> <p>(5) An exception is time limited and may not exceed the specific time period approved by the department.</p> <p>(6) If the exception request is approved, the licensee must post notice of the approved exception with other notices that must be posted for parent and public view, unless the exception is for a specific child.</p> <p>(7) The department's denial of an exception request is not subject to appeal under chapter 170-03 WAC.</p> <p><i>[Proposed subsection (4) was revised consistent with 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-1725 Licensee minimum education. (1) As of (the effective date of this section), an applicant for a family home child care license must have a high school diploma.</p> <p>(2) If the applicant does not have a high school diploma, he or she must submit written evidence of equivalent education. As used in this section, "equivalent education" means:</p> <p>(a) Passing the general educational development (GED) tests;</p> <p>(b) Completion of twelve years of elementary and secondary education; or</p> <p>(c) Completion of forty-five credits of post secondary education.</p>	<p>WAC 170-296A-1725 License applicant minimum education. (1) For any initial family home child care license issued on or after March 31, 2012, the applicant must have a high school diploma.</p> <p>(2) If the applicant does not have a high school diploma, he or she must submit written evidence of equivalent education. As used in this section, "equivalent education" means:</p> <p>(a) Passing the general educational development (GED) tests;</p> <p>(b) Completion of twelve years of elementary and secondary education;</p> <p>(c) Possessing a current child development associate (CDA) credential as approved through the council for professional recognition; or</p> <p>(d) Completion of forty-five credits of post secondary education.</p> <p><i>[Subsection (1) was revised to specify the effective date of this requirement. Subsection (2)(c) was added per comments on the proposed rule]</i></p>
<p>WAC 170-296A-1735 Minimum education--Individuals licensed prior to (the effective date of this section). Effective (five years from the effective date of this section), every family home child care licensee, including individuals licensed prior to (the effective date of this section), must meet the minimum education requirements of WAC 170-296A-1725.</p>	<p>WAC 170-296A-1735 Minimum education--Licensees licensed prior to March 31, 2012. Effective March 31, 2017, every family home child care licensee, including licensees licensed prior to March 31, 2012, must meet the minimum education requirements of WAC 170-296A-1725.</p> <p><i>[This section revised to specify the effect date of this requirement]</i></p>
<p>WAC 170-296A-1750 Tuberculosis. The applicant, and each staff person fourteen years old and older, and each</p>	<p>WAC 170-296A-1750 Tuberculosis. The applicant, and each staff person fourteen years old and older, and each household</p>

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<p>household member sixteen years old and older, must provide documentation of tuberculosis (TB) testing or treatment consisting of:</p> <p>(1) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or</p> <p>(2) A previous or current positive TST or positive IGRA with:</p> <p>(a) Proof of treatment or negative chest X ray;</p> <p>(b) Certification from a medical professional that the individual does not have an active TB infection; or</p> <p>(c) Medication therapy to treat TB.</p>	<p>member sixteen years old and older, must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:</p> <p>(1) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or</p> <p>(2) A previous or current positive TST or positive IGRA with documentation within the previous twelve months:</p> <p>(a) Of a chest X ray with negative results; or</p> <p>(b) Showing that the individual is receiving or has received therapy for active or latent TB disease and is cleared to safely work in a child care setting. As used in this section, "latent TB" means when a person is infected with the TB germ but has not developed active TB disease.</p> <p><i>[This section revised as a result of comments on the proposed rule, and to clarify the requirements]</i></p>
<p>WAC 170-296A-1800 Ongoing training. (1) The licensee and each primary staff person must complete thirty hours of department approved ongoing training every three years. The training may include:</p> <p>(a) Licensee's or primary staff person's choice; and</p> <p>(b) Department directed training.</p> <p>(2) The licensee must complete the ongoing training requirement prior to obtaining a license renewal.</p> <p>(3) A primary staff person must complete the ongoing training requirement every three years beginning from the date of initial employment.</p>	<p>WAC 170-296A-1800 Ongoing training. (1) The licensee and each primary staff person must complete ten hours of department approved ongoing training each year. The training may include:</p> <p>(a) Licensee's or primary staff person's choice; and</p> <p>(b) Department directed training.</p> <p>(2) The licensee must complete the ongoing training requirement each year prior to continuing a nonexpiring full license.</p> <p>(3) A primary staff person must complete the ongoing training requirement each year beginning from the date of initial employment.</p> <p>(4) A licensee who exceeds the ten-hour ongoing training requirement in any year may carry over up to five hours of ongoing training toward meeting the next year's requirement.</p> <p><i>[This section revised as a result of Senate Bill 5625 and per comments on the proposed rule]</i></p>
<p>WAC 170-296A-1850 Bloodborne pathogens training. The licensee and each staff person must have written proof of attending a U.S. Occupational Safety and Health Administration (OSHA) certified or comparable bloodborne pathogens training.</p>	<p>WAC 170-296A-1850 HIV/AIDS training--Bloodborne pathogens plan. (1) The licensee, each staff, and each household member who is responsible for the care of children must complete one time the state department of health training under chapter 70.24 RCW on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).</p> <p>(2) The licensee must have a written bloodborne pathogens plan that includes:</p> <p>(a) A list of the staff, volunteers and household members providing child care who may be exposed to bloodborne pathogens; and</p> <p>(b) Procedures for cleaning up bodily fluid spills (blood, feces, nasal or eye discharge, saliva, urine or vomit), including the use of gloves, proper cleaning and disinfecting of contaminated items, disposal of waste materials, and handwashing.</p> <p><i>[This section revised per comments on the proposed rule – the adopted rule retains the requirement in repealed WAC 170-296-0240]</i></p>

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<p>WAC 170-296A-1925 Assistants and volunteers--Supervision. (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff at all times.</p> <p>(2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.</p> <p>(3) The licensee or primary staff member must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their toileting, medical, or other personal needs on the premises.</p>	<p>WAC 170-296A-1925 Assistants and volunteers--Supervision. (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff person at all times.</p> <p>(2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.</p> <p>(3) The licensee or primary staff person must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their personal needs on the premises.</p> <p><i>[This section revised per comments on the proposed rule. A revised definition of "personal needs" is moved to WAC 170-296A-0010 - Definitions]</i></p>
<p>WAC 170-296A-1975 Licensee/staff qualifications and requirements table</p>	<p>WAC 170-296A-1975</p> <p><i>[See end of document for revisions to the table. This table is revised as a result of comments on the proposed rule.]</i></p>
<p>WAC 170-296A-2000 Recordkeeping--Records available to the department. The licensee must:</p> <p>(1) Keep all records for a minimum of five years.</p> <p>(2) Keep all current records (from the previous twelve months) in the licensed space as defined in WAC 170-296A-0010.</p> <p>(3) Provide to the department upon request any records twelve months to five years old within two weeks of the date of the department's written request.</p>	<p>WAC 170-296A-2000 Recordkeeping--Records available to the department. The licensee must keep all records required in this chapter for a minimum of five years:</p> <p>(1) Current records, including records from the previous twelve months, must be kept in the licensed space as defined in WAC 170-296A-0010 and be available for the department's review.</p> <p>(2) Records older than twelve months to five years old must be provided to the department within two weeks of the date of the department's written request.</p> <p><i>[This section revised for clarity and to be consistent with content recommended by the Negotiated Rule Making Team]</i></p>
<p>WAC 170-296A-2025 Child records--Confidentiality. (1) The licensee must maintain records for all children in a confidential manner.</p> <p>(2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.</p>	<p>WAC 170-296A-2025 Child records--Confidentiality. (1) The licensee must maintain records for all children in a confidential manner.</p> <p>(2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.</p> <p>(3) A child's parent or guardian must be allowed access to all records for their child.</p> <p><i>[This section revised per comment on the proposed rules]</i></p>

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<p>WAC 170-296A-2050 Child records--Contents. (1) The licensee must have an enrollment record for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:</p> <ul style="list-style-type: none"> (a) Beginning enrollment date; (b) End of enrollment date for children no longer in the licensee's care; (c) The child's birth date; (d) The child's current immunization record, on a DOH child immunization status form or comparable form completed by a health care professional; (e) The child's known allergies; (f) Names of persons authorized to pick up the child; (g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted; (h) Parent or guardian information including name, phone numbers, address, and contact information for reaching the family while the child is in care; (i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the licensee and parent or guardian must have a written plan for medical or dental injury or incident; and (j) Consent to seek medical care and treatment of minor child in the event of injury or illness, signed by the child's parent or guardian. <p>(2) If applicable, a child's records must include:</p> <ul style="list-style-type: none"> (a) Injury/incident reports (see WAC 170-296A-3575 and 170-296A-3600); (b) Medication authorization and administration log (see WAC 170-296A-3375); (c) Plan for special or individual needs of the child (see WAC 170-296A-6725); or (d) Documentation of use of physical restraint (see WAC 170-296A-6250). <p>(3) The child's records must include signed parent permissions (see WAC 170-296A-6400) as applicable for:</p> <ul style="list-style-type: none"> (a) Field trips; (b) Picture taking; (c) Transportation; and (d) Visiting health professionals. 	<p>WAC 170-296A-2050 Child records--Contents. (1) The licensee must have an enrollment record for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:</p> <ul style="list-style-type: none"> (a) Beginning enrollment date; (b) End of enrollment date for children no longer in the licensee's care; (c) The child's birth date; (d)(i) The child's current immunization record, on a DOH child immunization status form or comparable form completed by a health care professional; or (ii) A medical exemption form signed by a health care professional; or (iii) A religious, philosophical, or personal exemption form or similar statement signed by the child's parent or guardian. (e) The child's known allergies; (f) Names of persons authorized to pick up the child; (g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted; (h) Parent or guardian information including name, phone numbers, home address, and other contact information for reaching the family while the child is in care; (i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the licensee and parent or guardian must have a written plan for medical or dental injury or incident; and (j) Consent to seek medical care and treatment of minor child in the event of injury or illness, signed by the child's parent or guardian. <p>(2) If applicable, a child's records must include:</p> <ul style="list-style-type: none"> (a) Injury/incident reports (see WAC 170-296A-3575 and 170-296A-3600); (b) Medication authorization and administration log (see WAC 170-296A-3375); (c) Plan for special or individual needs of the child (see WAC 170-296A-0050); or (d) Documentation of use of physical restraint (see WAC 170-296A-6250). <p>(3) The child's records must include signed parent permissions (see WAC 170-296A-6400) as applicable for:</p> <ul style="list-style-type: none"> (a) Field trips; (b) Picture taking; (c) Transportation; and (d) Visiting health professionals providing services to the child at the family home child care.
	<p><i>[Subsection (1)(d) is revised consistent with 2011 Senate Bill 5504. Subsection (3)(d) is revised per comment on the proposed rules. Other changes are for clarity]</i></p>

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<p>WAC 170-296A-2075 Licensee and staff records. Records for the licensee and each staff person must include documentation of:</p> <ul style="list-style-type: none"> (1) Current first aid and infant, child and adult CPR training certification; (2) Bloodborne pathogens training certification; (3) TB test results or documentation as required under WAC 170-296A-1750; (4) Current state food handler permit for the licensee, and for other staff if required under WAC 170-296A-7675(3); (5) Completed background check form, or noncriminal background check form if applicable under WAC 170-296A-1225, and copy of the department-issued authorization letter; (6) Copy of a current government issued picture identification; (7) Emergency contact information; (8) Completed application form or resume for staff when hired; (9) Documentation of the licensee's and primary staff only: <ul style="list-style-type: none"> (a) Twenty-hour basic STARS training; and (b) Ongoing training completed; (10) Record of training provided by the licensee to staff and volunteers; and (11) Resume for the licensee only. 	<p>WAC 170-296A-2075 Licensee and staff records. Records on file for the licensee and each staff person must include documentation of:</p> <ul style="list-style-type: none"> (1) Current first aid and infant, child and adult CPR training certification; (2) HIV/AIDS training certification; (3) TB test results or documentation as required under WAC 170-296A-1750; (4) Current state food handler permit for the licensee, and for other staff if required under WAC 170-296A-7675(3); (5) Completed background check form, or noncriminal background check form if applicable under WAC 170-296A-1225, and copy of the department-issued authorization; (6) Copy of a current government issued picture identification; (7) Emergency contact information; (8) Completed application form or resume for staff when hired; (9) Documentation for the licensee's and primary staff person only of: <ul style="list-style-type: none"> (a) Basic twenty hour STARS training; (b) Ongoing training completed; and (c) Registration in MERIT. (10) Record of training provided by the licensee to staff and volunteers; and (11) Resume for the licensee only. <p><i>[Subsection (3) is revised per comment on the proposed rule and to be consistent with current law. Subsection (5) is revised consistent with changes to WAC 170-296A-1200]</i></p>
<p>WAC 170-296A-2100 Required records for household members. The licensee must keep the following records for household members:</p> <ul style="list-style-type: none"> (1) Completed background check form and the department-issued clearance letter under chapter 170-06 WAC for each individual sixteen years old and older; (2) The department-issued clearance letter for household members age thirteen to sixteen years old and any assistant or volunteer fourteen to sixteen years old under WAC 170-296A-1225; and (3) TB test results under WAC 170-296A-1750 for: <ul style="list-style-type: none"> (a) Household members sixteen years old or older; and (b) Any household member fourteen to sixteen years old who is an assistant or volunteer. 	<p>WAC 170-296A-2100 Required records for household members. The licensee must keep the following records for household members:</p> <ul style="list-style-type: none"> (1) Completed background check form and the department-issued clearance under chapter 170-06 WAC for each individual sixteen years old and older; (2) The department-issued clearance for household members age thirteen to sixteen years old under WAC 170-296A-1225; and (3) TB test results or documentation under WAC 170-296A-1750 for: <ul style="list-style-type: none"> (a) Household members sixteen years old or older; and (b) Any household member fourteen to sixteen years old who is an assistant or volunteer. <p><i>[This section revised for clarity, and to be consistent with changes to WAC 170-296A-1200 implementing House Bill 1903]</i></p>

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<p>WAC 170-296A-2150 Facility records. The licensee must keep the following facility records:</p> <ul style="list-style-type: none"> (1) Monthly fire inspections required under WAC 170-296A-3050; (2) Fire extinguisher maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-296A-3000; (3) Septic system inspection and maintenance, if required under WAC 170-296A-1375; (4) Water testing results if required under WAC 170-296A-1400; (5) Installation or assembly instructions for play equipment under WAC 170-296A-5000(3); (6) Emergency preparedness evacuation drills under WAC 170-296A-2925; (7) Documents from any department visits, inspections or monitoring checklists; and (8) As applicable, compliance agreements or safety plans between the licensee and the department. 	<p>WAC 170-296A-2150 Facility records. The licensee must keep the following facility records:</p> <ul style="list-style-type: none"> (1) Monthly fire inspections required under WAC 170-296A-3050; (2) Fire extinguisher annual maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-296A-3000; (3) Septic system inspection and maintenance, if required under WAC 170-296A-1375; (4) Water testing results, if required under WAC 170-296A-1400; (5) Installation or assembly instructions for new play equipment under WAC 170-296A-5000(3). This requirement does not apply to used or "hand-made" play equipment built or installed by the licensee or homeowner, or to play equipment purchased prior to March 31, 2012; (6) Emergency preparedness evacuation drills under WAC 170-296A-2925; (7) Documents from any department visits, inspections or monitoring checklists; and (8) As applicable, compliance agreements or safety plans between the licensee and the department. <p><i>[This section revised per comments on the proposed rule]</i></p>
<p>WAC 170-296A-2175 Materials that must be posted. The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians and staff:</p> <ul style="list-style-type: none"> (1) A statement of the licensee's philosophy of child development; (2) Emergency information: <ul style="list-style-type: none"> (a) 911 or emergency services number; (b) Name of the licensee, telephone number(s), address, and directions from the nearest major arterial street or nearest cross street to the licensed home; (c) Washington poison center toll-free phone number; and (d) DSHS children's administration intake (child protective services) toll-free telephone number. (3) Emergency preparedness plan and drills with the following information: <ul style="list-style-type: none"> (a) Dates and times of previous drills; (b) Procedure for sounding alarm; (c) Monthly smoke detector check; (d) Annual fire extinguisher check; (e) Floor plan with escape routes and emergency exits identified; (f) Emergency medical information or explanation of where that information can be found; and (g) Emergency contact information for the licensee; (4) Child care licensing information: <ul style="list-style-type: none"> (a) The current department-issued child care license; (b) If applicable, a copy of current department-approved exceptions to the rules; (5) If applicable, notice of any current or pending department enforcement action. Notice must be posted: <ul style="list-style-type: none"> (a) Immediately upon receipt; and 	<p>WAC 170-296A-2175 Materials that must be posted. The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians and staff:</p> <ul style="list-style-type: none"> (1) A statement of the licensee's philosophy of child development; (2) Emergency information, including: <ul style="list-style-type: none"> (a) 911 or emergency services number; (b) Name of the licensee, telephone number(s), emergency contact information, address, and directions from the nearest major arterial street or nearest cross street to the licensed home; (c) Washington poison center toll-free phone number; and (d) DSHS children's administration intake (child protective services) toll-free telephone number; (3) Emergency preparedness plan and drills with the following information: <ul style="list-style-type: none"> (a) Dates and times of previous drills; (b) Procedure for sounding alarm; (c) Monthly smoke detector check, and carbon monoxide detector check if carbon monoxide detectors are required under WAC 170-296A-2950; (d) Floor plan with escape routes and emergency exits identified; and (e) Emergency medical information or explanation of where that information can be found; (4) Child care licensing information including: <ul style="list-style-type: none"> (a) The current department-issued child care license; (b) If applicable, a copy of current department-approved exceptions to the rules; (5) If applicable, notice of any current or pending department enforcement action. Notice must be posted: <ul style="list-style-type: none"> (a) Immediately upon receipt; and

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<p>(b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer.</p> <p>(6) A notice stating that additional information about the child care license is available upon request to the licensee. This information includes:</p> <ul style="list-style-type: none"> (a) Copies of department monitoring checklists; (b) If applicable, any facility licensing compliance agreements (FLCA); (c) If applicable, copy of any enforcement action taken by the department for the previous three years; and (d) If applicable, notice that the licensee does not have liability insurance coverage, or that the coverage has lapsed or been terminated. See RCW 43.215.535; <p>(7) A statement on how the licensee will communicate with the parent or guardian on their child's development and parenting support; and</p> <p>(8) A typical daily schedule as described in WAC 170-296A-6550.</p>	<p>(b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;</p> <p>(6) A notice stating that additional information about the child care license is available upon request to the licensee. This information includes:</p> <ul style="list-style-type: none"> (a) Copies of department monitoring checklists; (b) If applicable, any facility licensing compliance agreements (FLCA); (c) If applicable, copy of any enforcement action taken by the department for the previous three years; and (d) If applicable, notice that the licensee does not have liability insurance coverage, or that the coverage has lapsed or been terminated. See RCW 43.215.535; <p>(7) A statement on how the licensee will communicate with the parent or guardian on their child's development and parenting support; and</p> <p>(8) A typical daily schedule as described in WAC 170-296A-6550.</p> <p>[Subsection (3)(c) is revised per comments on the proposed rule. Other changes are for clarity]</p>
<p>WAC 170-296A-2200 Reporting incidents to 911 (emergency services). The licensee or primary staff person must report to 911 emergency services the following:</p> <ul style="list-style-type: none"> (1) A child missing from care, as soon as the licensee or staff realizes the child is missing; (2) Medical emergency (injury or illness) that requires immediate professional medical care; (3) Incorrect administration of any medication, except nonprescription topical creams or ointments; (4) Overdose of any oral, inhaled or injected medication; (5) Fire and other emergencies; (6) Poisoning or suspected poisoning; or (7) Other incidents requiring emergency response. 	<p>WAC 170-296A-2200 Reporting incidents to 911 (emergency services). The licensee or primary staff person must call 911 and report to emergency services the following:</p> <ul style="list-style-type: none"> (1) A child missing from care, as soon as the licensee or staff realizes the child is missing; (2) Medical emergency (injury or illness) that requires immediate professional medical care; (3) Giving a child too much of any oral, inhaled or injected medication, or a child taking or receiving another child's medication; (4) Fire and other emergencies; (5) Poisoning or suspected poisoning; or (6) Other incidents requiring emergency response. <p>[Subsection (3) is revised per comments on the proposed rules]</p>
<p>WAC 170-296A-2225 Reporting incidents to Washington poison center. The licensee or primary staff person must report to the Washington poison center, after calling 911, and follow any instructions of the poison center:</p> <ul style="list-style-type: none"> (1) Any poisoning or suspected poisoning; (2) Incorrect administration of any medication, except nonprescription topical creams or ointments; (3) Overdose of any oral, inhaled or injected medication. 	<p>WAC 170-296A-2225 Reporting incidents to Washington poison center. The licensee or primary staff person must report to the Washington poison center, after calling 911, and follow any instructions of the poison center:</p> <ul style="list-style-type: none"> (1) Any poisoning or suspected poisoning; (2) A child receiving too much of any oral, inhaled or injected medication; or (3) A child taking or receiving another child's medication. <p>[Subsections (2) and (3) are revised per comments on the proposed rules]</p>

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<p>WAC 170-296A-2250 Reporting incidents to a child's parent or guardian and the department. The licensee must report to a child's parent or guardian and the department:</p> <ul style="list-style-type: none"> (1) Immediately: <ul style="list-style-type: none"> (a) Any incident reported under WAC 170-296A-2200, after calling 911; (b) Any incident reported under WAC 170-296A-2225, after calling 911 and Washington poison center; (c) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; or (d) Use of physical restraint with a child. (2) Within twenty-four hours: <ul style="list-style-type: none"> (a) Injury or other health concerns to a child that does not require professional medical treatment (report to parent only); (b) Change in child care staff, including serious illness or incapacity of the licensee that may impact child care staffing; (c) Additions to the household of persons sixteen years old or older; (d) The licensee's plans to move, including the date of the move; (e) Change in the licensee's phone number or e-mail; (f) Child's exposure to a reportable communicable disease from the list in WAC 246-110-010(4); or (g) Updates to the parent handbook. 	<p>WAC 170-296A-2250 Reporting incidents to a child's parent or guardian and the department. The licensee must report to a child's parent or guardian and the department:</p> <ul style="list-style-type: none"> (1) Immediately: <ul style="list-style-type: none"> (a) Any incident reported under WAC 170-296A-2200, after calling 911; (b) Any incident reported under WAC 170-296A-2225, after calling 911 and Washington poison center; (c) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; or (d) Use of physical restraint with a child. (2) Within twenty-four hours: <ul style="list-style-type: none"> (a) Their child's injury or other health concern that does not require professional medical treatment (report to parent only); (b) Change in child care staff, including serious illness or incapacity of the licensee that may impact child care staffing; (c) Additions to the household of persons sixteen years old or older; (d) Change in the licensee's phone number or e-mail; or (e) Their child's exposure to a communicable disease from the list in WAC 170-296A-3210; and (3) The licensee's plans to move, as soon as the licensee plans to move. See WAC 170-296A-1475. <p><i>[This section is revised for clarity and to be consistent with related changes to WAC 170-296A-3210]</i></p>
<p>WAC 170-296A-2275 Other incident reporting to the department. (1) The licensee must report to the department any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2250, 170-296A-2300, and 170-296A-2325.</p> <p>(2) The licensee must report to the department within twenty-four hours:</p> <ul style="list-style-type: none"> (a) Serious illness or incapacity of the licensee, staff or member of household, if the licensee: <ul style="list-style-type: none"> (i) Has a reasonable expectation that the illness or incapacity will affect the licensee's ability to provide care; and (ii) Is going to continue to provide care. (b) For the licensee, staff, volunteer or household member age fourteen or older, any: <ul style="list-style-type: none"> (i) Charge or conviction for a crime listed in WAC 170-06-0120; (ii) Allegation or finding of child abuse or neglect under chapter 26.44 or 74.15 RCW; (iii) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or (iv) Other charge or conviction for a crime that could be reasonably related to the individual's suitability to provide care for or have unsupervised access to children in care; (c) Fire that results in damage to the license space or other parts of the premises; (d) Structural damage to the licensed child care space or other parts of the premises; (e) Prior to making structural changes to the licensed space; or 	<p>WAC 170-296A-2275 Other incident reporting to the department. (1) The licensee must report to the department any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2250, 170-296A-2300, and 170-296A-2325.</p> <p>(2) The licensee or another person must report to the department within twenty-four hours:</p> <ul style="list-style-type: none"> (a) The licensee's emergency absence, serious illness or incapacity of the licensee, staff or member of household, if the licensee: <ul style="list-style-type: none"> (i) Has a reasonable expectation that the absence, illness, or incapacity will affect the licensee's ability to provide care; and (ii) Is going to continue to provide care. (b) For the licensee, staff, volunteer or household member age fourteen or older, any: <ul style="list-style-type: none"> (i) Pending charge or conviction for a crime listed in WAC 170-06-0120; (ii) Allegation or finding of child abuse or neglect under chapter 26.44 RCW or chapter 388-15 WAC; (iii) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or (iv) Pending charge, conviction, or negative action from outside Washington state consistent with or the same crime listed in WAC 170-06-0120, or "negative action" as defined in RCW 43.215.010. <p><i>[This section is revised per comments on the proposed rule]</i></p>

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(f) Change in the required licensee policies.	
<p>WAC 170-296A-2300 Reporting to DSHS children's administration intake. The licensee and each staff person are required to report the following to DSHS children's administration intake-child protective services (CPS) or law enforcement as required under RCW 26.44.030, and to the licenser:</p> <ul style="list-style-type: none"> (1) Any suspected child abuse or neglect; (2) A child's disclosure of sexual or physical abuse; (3) Sexual contact between two or more children; (4) A child's attempted suicide or talk about attempting suicide; or (5) Death of a child while in the licensee's care or from injury or illness that may have occurred while the child was in the licensee's care. 	<p>WAC 170-296A-2300 Reporting to DSHS children's administration intake. (1) The licensee and each staff person are required to report the following to DSHS children's administration intake-child protective services (CPS) or law enforcement within forty-eight hours as required under RCW 26.44.030, and to the department:</p> <ul style="list-style-type: none"> (a) Any suspected child abuse or neglect; (b) A child's disclosure of sexual or physical abuse; (c) Inappropriate sexual contact between two or more children; or (d) A child's attempted suicide or talk about attempting suicide. <p>(2) The licensee or primary staff person must immediately report to CPS or law enforcement and the department the death of a child while in the licensee's care or from injury or illness that may have occurred while the child was in the licensee's care.</p> <p><i>[This section is revised for clarity]</i></p>
<p>WAC 170-296A-2325 Reporting notifiable condition to health department. The licensee must report a child diagnosed with a notifiable condition as defined in chapter 246-105 WAC to the local public health jurisdiction or the state department of health. Contact the local public health jurisdiction for the list of notifiable conditions and reporting requirements.</p>	<p>WAC 170-296A-2325 Reporting notifiable condition to health department. The licensee must report a child in care diagnosed with a notifiable condition as defined in chapter 246-101 WAC to the local health jurisdiction or the state department of health. Contact the local health jurisdiction for the list of notifiable conditions and reporting requirements.</p> <p><i>[Subsection (3) is revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-2350 Policies. (1) The licensee must have written policies for:</p> <ul style="list-style-type: none"> (a) Parents and guardians, also known as the parent handbook; (b) Program and staff. <p>(2) The licensee must submit all policies to the department.</p>	<p>WAC 170-296A-2350 Policies. (1) The licensee must have written policies for:</p> <ul style="list-style-type: none"> (a) Parents and guardians, also known as the parent handbook; (b) Program and staff. <p>(2) The licensee must submit all policies and revisions of policies to the department.</p> <p><i>[This section is revised per comments on the proposed rules]</i></p>

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<p>WAC 170-296A-2375 Parent/guardian policies (handbook). The licensee's written parent/guardian policies (handbook) must include:</p> <ul style="list-style-type: none"> (1) Hours of operation including closures and vacations; (2) Information on how children's records are kept current, including immunization records; (3) Enrollment and disenrollment process; (4) Access to children during child care hours; (5) Program philosophy (the licensee's view of child learning and development); (6) Typical daily schedule, including food and rest periods; (7) Communication plan with parents/guardians including: <ul style="list-style-type: none"> (a) How the parent or guardian may contact the licensee with questions or concerns; and (b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year; (c) How the licensee will support parents regarding parenting; (8) Written plan for any child's specific needs if applicable; (9) Fee and payment plans; (10) Religious activities and how families' specific religious preferences are addressed; (11) How holidays are recognized in the program; (12) Confidentiality policy including when information may be shared. See WAC 170-296A-2025; (13) Items that the licensee requires the parent or guardian to provide; (14) Guidance and discipline policy. See WAC 170-296A-6050; (15) If applicable, infant/toddler care including SIDS prevention, feeding, diapering and toilet training; (16) Reporting suspected child abuse or neglect; (17) Food service practices; (18) Off-site field trips requirements. See WAC 170-296A-2450; (19) Transportation requirements. See WAC 170-296A-6475; (20) Staffing plan; (21) Access to licensee's and staff training and professional development records; (22) Pet policies. See WAC 170-296A-4800; (23) Health care and emergency preparedness policies including: <ul style="list-style-type: none"> (a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825; (b) Injury or medical emergency response and reporting; (c) Medication management including storage and dispensing. See WAC 170-296A-3325; (d) Exclusion/removal policy of ill persons. See WAC 170-296A-3225; (e) Reporting of notifiable conditions to public 	<p>WAC 170-296A-2375 Parent/guardian policies (handbook). The licensee's written parent/guardian policies (handbook) must include:</p> <ul style="list-style-type: none"> (1) Hours of operation including closures and vacations; (2) Information on how children's records are kept current, including immunization records; (3) Enrollment and disenrollment process; (4) Parent/guardian access to their child during child care hours; (5) Program philosophy (the licensee's view of child learning and development); (6) Typical daily schedule, including food and rest periods. See WAC 170-296A-6550; (7) Communication plan with parents/guardians including: <ul style="list-style-type: none"> (a) How the parent or guardian may contact the licensee with questions or concerns; and (b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year; (c) How the licensee will support parents regarding parenting; (8) Written plan for any child's specific needs if applicable. See WAC 170-296A-0050; (9) Fees and payment plans; (10) Religious activities and how the parent's or guardian's specific religious preferences are addressed; (11) How holidays are recognized in the program; (12) Confidentiality policy including when information may be shared. See WAC 170-296A-2025; (13) Items that the licensee requires the parent or guardian to provide; (14) Guidance and discipline policy. See WAC 170-296A-6050; (15) If applicable, infant/toddler care including SIDS prevention, feeding, diapering and toilet training; (16) Reporting suspected child abuse or neglect. See WAC 170-296A-6275; (17) Food service practices. See WAC 170-296A-7125 through 170-296A-7200, and 170-296A-7500 through 170-296A-7650; (18) Off-site field trips requirements. See WAC 170-296A-2450; (19) Transportation requirements. See WAC 170-296A-6475; (20) Staffing plan. See WAC 170-296A-5600 and 170-296A-5775; (21) Access to licensee's and staff training and professional development records; (22) Pet policies. See WAC 170-296A-4800; (23) Health care and emergency preparedness policies including: <ul style="list-style-type: none"> (a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825; (b) Injury or medical emergency response and reporting. See WAC 170-296A-3575, 170-296A-3600, and 170-296A-2275;

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<p>health;</p> <p>(f) Immunization tracking. See WAC 170-296A-3250; and</p> <p>(g) Infection control methods, including:</p> <p>(i) Handwashing (WAC 170-296A-3625) and, if applicable, hand sanitizers (WAC 170-296A-3650); and</p> <p>(ii) Cleaning and sanitizing procedures including the sanitizing method and products used. See WAC 170-296A-3850 through 170-296A-3925;</p> <p>(24) Napping/sleeping;</p> <p>(25) No smoking policy. See WAC 170-296A-4050;</p> <p>(26) Drug and alcohol policy. See WAC 170-296A-4025;</p> <p>(27) If applicable, guns and weapons storage. See WAC 170-296A-4725; and</p> <p>(28) If applicable, overnight care requirements. See WAC 170-296A-6850.</p>	<p>(c) Medication management including storage and giving medications. See WAC 170-296A-3325;</p> <p>(d) Exclusion/removal policy of ill persons. See WAC 170-296A-3210;</p> <p>(e) Reporting of notifiable conditions to public health;</p> <p>(f) Immunization tracking. See WAC 170-296A-3250; and</p> <p>(g) Infection control methods, including:</p> <p>(i) Handwashing (WAC 170-296A-3625) and, if applicable, hand sanitizers (WAC 170-296A-3650); and</p> <p>(ii) Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used. See WAC 170-296A-3850 through 170-296A-3925 and definitions in WAC 170-296A-0010;</p> <p>(24) Napping/sleeping;</p> <p>(25) No smoking policy consistent with WAC 170-296A-4050;</p> <p>(26) Drug and alcohol policy consistent with WAC 170-296A-4025;</p> <p>(27) If applicable, guns and weapons storage. See WAC 170-296A-4725; and</p> <p>(28) If applicable, overnight care requirements. See WAC 170-296A-6850.</p> <p><i>[This section revised per comments on the proposed rules, for clarity, and to update cross references related to changes in other sections]</i></p>
<p>WAC 170-296A-2400 Program/operations policies. The licensee must have written program/operations policies that include:</p> <p>(1) All information in the parent/guardian handbook under WAC 170-296A-2375;</p> <p>(2) Plans to keep required program/staff records current;</p> <p>(3) Child supervision requirements;</p> <p>(4) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-296A-2300;</p> <p>(5) Plan for off-site field trips;</p> <p>(6) Plan for transporting children;</p> <p>(7) Plans for restricting children's access to unlicensed space;</p> <p>(8) Medical emergency, fire, disaster and evacuation responsibilities;</p> <p>(9) Guidance and discipline responsibilities;</p> <p>(10) Overnight care, if applicable; and</p> <p>(11) Plan for staff (when applicable) to include:</p> <p>(a) Staff responsibilities;</p> <p>(b) Staff training;</p> <p>(c) Staff expectations; and</p> <p>(d) Professional development.</p>	<p>WAC 170-296A-2400 Program/operations policies. In addition to parent policies and procedures required under WAC 170-296A-2375, the licensee must have written program/operations policies that include:</p> <p>(1) Plans to keep required program/staff records current;</p> <p>(2) Child supervision requirements;</p> <p>(3) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-296A-2300;</p> <p>(4) Plan for off-site field trips;</p> <p>(5) Plan for transporting children;</p> <p>(6) Plans for preventing children's access to unlicensed space;</p> <p>(7) Medical emergency, fire, disaster and evacuation responsibilities;</p> <p>(8) Guidance and discipline responsibilities;</p> <p>(9) Overnight care, if applicable; and</p> <p>(10) Plan for staff (when applicable) to include:</p> <p>(a) Staff responsibilities;</p> <p>(b) Staff training;</p> <p>(c) Staff expectations; and</p> <p>(d) Professional development.</p> <p><i>[This section revised per comments on the proposed rules and for clarity]</i></p>

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<p>WAC 170-296A-2425 Staff policies. If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:</p> <ul style="list-style-type: none"> (1) All the information in the parent/guardian handbook under WAC 170-296A-2375, except fees; (2) Plan for keeping staff records current including: <ul style="list-style-type: none"> (a) Completed background check forms and department clearance letters; (b) First aid and CPR certification; (c) TB test results; (d) Required training and professional development for primary staff persons; and (e) Training that the licensee must provide to staff; (3) Job description; (4) Staff responsibilities for: <ul style="list-style-type: none"> (a) Child supervision requirements; (b) Guidance/discipline techniques; (c) Food service practices; (d) Off-site field trips; (e) Transporting children; (f) Restricting children's access to unlicensed space; (g) Health, safety and sanitization procedures; (h) Medical emergencies, fire, disaster and evacuations; (i) Mandatory reporting of suspected child abuse and neglect; and (j) Overnight care, if applicable. 	<p>WAC 170-296A-2425 Staff policies. If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:</p> <ul style="list-style-type: none"> (1) All the information in the parent/guardian handbook under WAC 170-296A-2375, except fees; (2) Plan for keeping staff records current including: <ul style="list-style-type: none"> (a) Completed background check forms and department clearances; (b) First aid and CPR certification; (c) TB test results; (d) Required training and professional development for primary staff persons; and (e) Training that the licensee must provide to staff; (3) Job description; (4) Staff responsibilities for: <ul style="list-style-type: none"> (a) Child supervision requirements; (b) Guidance/discipline techniques; (c) Food service practices; (d) Off-site field trips; (e) Transporting children; (f) Preventing children's access to unlicensed space; (g) Health, safety and sanitization procedures; (h) Medical emergencies, fire, disaster and evacuations; (i) Mandatory reporting of suspected child abuse and neglect; (j) Overnight care, if applicable; and (k) Staff responsibilities if the licensee is absent from the child care operation. (5) The licensee must keep documentation of all staff training on policies. <p><i>[This section revised for clarity and to be consistent with changes in other revised sections]</i></p>
<p>WAC 170-296A-2525 Building codes. A single-family residence used for licensed family home child care is considered a group R (residential), division 3 occupancy structure by the state building code.</p>	<p>WAC 170-296A-2525 Building codes. A single-family residence used for licensed family home child care is considered a group R (residential), division 3 occupancy structure by the state building code adoption of the international residential code.</p> <p><i>[This section is revised for clarity]</i></p>
<p>WAC 170-296A-2575 Flammable materials. (1) The licensee must not allow combustible materials (including, but not limited to, lint, grease, oils, or solvent soaked rags) or rubbish to accumulate; those items must be removed from the building or stored in closed metal containers.</p> <p>(2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.</p>	<p>WAC 170-296A-2575 Combustible and flammable materials. (1) The licensee must not allow combustible materials (including, but not limited to, lint, or rags soaked in grease, oils, or solvent) to accumulate; those items must be removed from the building or stored in a closed metal container.</p> <p>(2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.</p> <p><i>[This section is revised due to comments on the proposed rule and to clarify its requirements]</i></p>
<p>WAC 170-296A-2600 Furnaces. (1) The licensee must keep paper, rubbish, or combustible materials at least three feet away from any furnace.</p> <p>(2) The furnace must be inaccessible to the children, isolated, enclosed or protected.</p>	<p>WAC 170-296A-2600 Furnaces and other heating devices. (1) The licensee must keep paper, rubbish, or combustible materials at least three feet away from any furnace, fireplace, or other heating device.</p> <p>(2) A furnace must be inaccessible to the children, isolated, enclosed or protected.</p> <p>(3) Any appliance or heating device that has a hot surface capable of burning a child must be made inaccessible to</p>

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	<p>the children in care during operating hours when the appliance or device is in use or is still hot after use.</p> <p><i>[This section revised per comments on the proposed rule]</i></p>
<p>WAC 170-296A-2650 Fireplaces, wood stoves, similar heating devices. (1) If the home has a fireplace, wood stove or similar heating device that will be in use, the licensee must:</p> <p>(a) Have the device inspected annually by a qualified fireplace, wood stove or chimney specialist; and</p> <p>(b) Maintain the heating device as required by the inspection.</p> <p>(2) The fireplace, wood stove or similar heating device must be inaccessible to the children during operating hours.</p> <p>(3) The licensee may provide a written statement if the fireplace, wood stove or similar heating device will not be used at any time.</p>	<p>WAC 170-296A-2650 Inspection of fireplaces, wood stoves, or similar wood-burning heating devices. Any chimney, fireplace, wood stove or similar wood-burning device in use in the licensed home must be inspected yearly unless the licensee provides a written statement that the chimney, fireplace, wood stove or similar wood-burning device will not be used at any time.</p> <p><i>[This section is revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-2700 Emergency flashlight. The licensee must have a working flashlight available for use as an emergency light source.</p>	<p>WAC 170-296A-2700 Emergency flashlight. The licensee must have a working flashlight available for use as an emergency light source and extra batteries if the flashlight is powered by batteries.</p> <p><i>[This section is revised for clarity]</i></p>
<p>WAC 170-296A-2725 Portable heaters and generators. The licensee must not use or allow the use of portable heaters or fuel powered generators in any area inside of the family home child care or building during operating hours.</p>	<p>WAC 170-296A-2725 Portable heaters and generators. (1) The licensee must not use or allow the use of portable heaters or fuel powered generators in any area inside of the family home child care or building during operating hours.</p> <p>(2) When a portable fuel-powered generator is in use:</p> <p>(a) The generator must be placed at least fifteen feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the home; and</p> <p>(b) Appliances must be plugged directly into the generator or to a heavy duty outdoor-rated extension cord that is plugged into the generator.</p> <p><i>[This section is revised per comments on the proposed rule]</i></p>
<p>WAC 170-296A-2775 Telephone. (1) The licensee must have a working telephone in the licensed space.</p> <p>(2) The licensee must have a landline telephone readily available that does not require electricity. Voice over internet telephone or cable telephone service are not acceptable substitutes for a landline telephone.</p>	<p>WAC 170-296A-2775 Telephone. (1) The licensee must have a working telephone in the licensed space.</p> <p>(2) The licensee must have a telephone readily available with sufficient backup power to function for at least five hours in the event of an electrical power outage.</p> <p><i>[This section is revised per comments on the proposed rule]</i></p>
<p>WAC 170-296A-2825 Fire evacuation plan. (1) The licensee must develop a written fire evacuation plan and post it at a place that is clearly visible to the staff, parents and guardians. The evacuation plan must be evaluated annually and updated as needed.</p> <p>(2) The evacuation plan must include:</p> <p>(a) An evacuation floor plan that identifies emergency exit pathways, doors, and windows;</p> <p>(b) Method(s) to be used for sounding an alarm;</p> <p>(c)(i) Calling 911; and</p> <p>(ii) Actions to be taken by the person discovering the fire;</p> <p>(d) How the licensee and staff will evacuate all children, especially children who cannot walk;</p> <p>(e) How the licensee and staff will account for all of</p>	<p>WAC 170-296A-2825 Fire evacuation plan. (1) If there is a fire in the home during child care operating hours, the licensee's and staff's first responsibility is to evacuate the children in care to a safe place outside the home.</p> <p>(2) The licensee must develop a written fire evacuation plan and post it at a place that is clearly visible to the staff, parents and guardians. The evacuation plan must be evaluated annually and updated as needed.</p> <p>(3) The evacuation plan must include:</p> <p>(a) An evacuation floor plan that identifies emergency exit pathways, emergency exit doors, and emergency exit windows;</p> <p>(b) Method(s) to be used for sounding an alarm;</p> <p>(c) Actions to be taken by the person discovering the fire;</p>

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<p>the children in attendance;</p> <p>(f) Where children and staff will gather away from the building pending arrival of the fire department or emergency response; and</p> <p>(g) How the licensee will inform parents or guardians and arrange pick up of children if needed.</p>	<p>(d) How the licensee and staff will evacuate all children, especially children who cannot walk;</p> <p>(e) Calling 911 after evacuating the children;</p> <p>(f) How the licensee and staff will account for all of the children in attendance;</p> <p>(g) Where children and staff will gather away from the building pending arrival of the fire department or emergency response; and</p> <p>(h) How the licensee will inform parents or guardians and arrange pick up of children if needed.</p> <p><i>[This section is revised in response to comments on the proposed rule and to clarify its requirements]</i></p>
<p>WAC 170-296A-2850 Disaster plan. (1) The licensee must have a written disaster plan for emergencies other than fire. The plan must be reviewed annually and updated as needed.</p> <p>(2) The written disaster plan must cover at minimum the following:</p> <p>(a) For disasters that require evacuation:</p> <p>(i) How the licensee and staff will evacuate all children, especially those who cannot walk.</p> <p>(ii) What to take when evacuating the children, including:</p> <p>(A) First aid kit;</p> <p>(B) Child medication records; and</p> <p>(C) If applicable, individual children's medication;</p> <p>(iii) Where to go; and</p> <p>(iv) How the licensee and staff will account for all of the children in attendance.</p> <p>(b) Earthquake procedures including:</p> <p>(i) What the licensee and staff will do during an earthquake;</p> <p>(ii) How the licensee and staff will account for all of the children in attendance; and</p> <p>(iii) After an earthquake, how the licensee will assess whether the licensed space is safe for the children;</p> <p>(c) Lockdown of the facility or shelter-in-place, including:</p> <p>(i) How doors and windows will be secured if needed; and</p> <p>(ii) Where children will stay safely inside the facility; and</p> <p>(d) How parents and guardians will be contacted after the emergency situation is over.</p> <p>(3) The licensee must keep on the premises a three-day supply of food, water, and medications required by individual children for use in a disaster, lockdown, or shelter-in-place incident.</p>	<p>WAC 170-296A-2850 Disaster plan. (1) The licensee must have a written disaster plan for emergencies other than fire. The plan must be reviewed annually and updated as needed.</p> <p>(2) The written disaster plan must cover at minimum the following:</p> <p>(a) For disasters that may require evacuation:</p> <p>(i) How the licensee and staff will evacuate all children, especially those who cannot walk.</p> <p>(ii) What to take when evacuating the children, including:</p> <p>(A) First aid kit;</p> <p>(B) Child medication records; and</p> <p>(C) If applicable, individual children's medication;</p> <p>(iii) Where to go; and</p> <p>(iv) How the licensee and staff will account for all of the children in attendance.</p> <p>(b) Earthquake procedures including:</p> <p>(i) What the licensee and staff will do during an earthquake;</p> <p>(ii) How the licensee and staff will account for all of the children in attendance; and</p> <p>(iii) After an earthquake, how the licensee will assess whether the licensed space is safe for the children;</p> <p>(c) Lockdown of the facility or shelter-in-place, including:</p> <p>(i) How doors and windows will be secured if needed; and</p> <p>(ii) Where children will stay safely inside the facility; and</p> <p>(d) How parents and guardians will be contacted after the emergency situation is over.</p> <p>(3) The licensee must keep on the premises a three-day supply of food, water, and medications required by individual children for use in a disaster, lockdown, or shelter-in-place incident.</p> <p>(4) As used in this section, "lockdown" or "shelter-in-place" means to remain inside the family home child care when police or an official emergency response agency notifies the licensee or primary staff person in charge that it is unsafe to leave the facility or be outdoors during an emergency situation.</p> <p><i>[This section is revised for clarity, to provide a definition of "lockdown" and "shelter-in-place"]</i></p>

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<p>WAC 170-296A-2875 Fire, disaster training for staff and volunteers. (1) The licensee must provide fire, evacuation and disaster training for all staff and volunteers. The training must include:</p> <ul style="list-style-type: none"> (a) All elements of the fire, evacuation and disaster plans; (b) Operation of the fire extinguishers; (c) How to test the smoke detectors and replace smoke detector batteries; and (d) Staff responsibilities in the event of a fire or disaster. <p>(2) The training must be documented in the staff's or volunteer's personnel file.</p>	<p>WAC 170-296A-2875 Fire, disaster training for staff and volunteers. (1) The licensee must provide fire, evacuation and disaster training for all staff and volunteers when the individual is first employed and at least once each calendar year. The training must include:</p> <ul style="list-style-type: none"> (a) All elements of the fire, evacuation and disaster plans; (b) Operation of the fire extinguishers; (c) How to test the smoke detectors and, if required, test carbon monoxide detectors and replace detector batteries; and (d) Staff responsibilities in the event of a fire or disaster. <p>(2) The training must be documented in the staff's or volunteer's personnel file.</p> <p><i>[This section is revised for clarity and per comments on the proposed rules]</i></p>
<p>WAC 170-296A-2925 Record of emergency drills. The licensee must keep records of emergency drills performed, and post the records as required in WAC 170-296A-2175. Records must include:</p> <ul style="list-style-type: none"> (1) The date and time the drill took place; (2) Staff who participated; (3) Number of children who participated; (4) Length of drill; and (5) Notes about how the drill went including: <ul style="list-style-type: none"> (a) What the licensee learned; and (b) What the licensee thinks should be done differently at the next drill. 	<p>WAC 170-296A-2925 Record of emergency drills. The licensee must keep records of emergency drills performed, and post the records as required in WAC 170-296A-2175. Records must include:</p> <ul style="list-style-type: none"> (1) The date and time the drill took place; (2) Staff who participated; (3) Number of children who participated; (4) Length of drill; and (5) Notes about how the drill went and improvements, if any, that need to be made. <p><i>[This section is revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-2950 Smoke detectors. (1) The licensee must have and maintain working smoke detectors in the home.</p> <ul style="list-style-type: none"> (2) At least one smoke detector must be located: <ul style="list-style-type: none"> (a) In each licensed sleeping area; (b) On each level of the home; and (c) In the kitchen area. (3) Smoke detectors must be placed on the ceiling or wall, but not on the wall above any door. (4) One extra battery for each smoke detector must be kept on the premises. 	<p>WAC 170-296A-2950 Smoke and carbon monoxide detectors. (1)(a) The licensee must have and maintain working smoke detectors in the home.</p> <ul style="list-style-type: none"> (b) At least one smoke detector must be located: <ul style="list-style-type: none"> (i) In each licensed sleeping area; and (ii) On each level of the home. (c) Smoke detectors must be placed on the ceiling or wall, but not on the wall above any door. <p>(2) To comply with RCW 19.27.530 and WAC 51-51-0315, if the licensee's home was built on or after July 1, 2010, a working carbon monoxide detector must be installed in each area licensed for sleeping or napping. The licensee may use combination smoke/carbon monoxide detectors.</p> <p>(3) One extra battery for each smoke detector and each carbon monoxide detector must be kept on the premises.</p> <p><i>[This section is revised per comments on the proposed rules to be consistent with current law]</i></p>
<p>WAC 170-296A-3025 Fire extinguisher, smoke detector use and testing. The licensee and staff must demonstrate to the licenser how to:</p> <ul style="list-style-type: none"> (1) Use fire extinguishers; (2) Test and operate the smoke detectors; and (3) Test alternate alarm device(s). 	<p>WAC 170-296A-3025 Fire extinguisher, smoke/carbon monoxide detector use and testing. The licensee and staff must demonstrate to the licenser how to:</p> <ul style="list-style-type: none"> (1) Use fire extinguishers; (2) Test and operate the smoke detectors; (3) Test and operate carbon monoxide detectors if required under WAC 170-296A-2950; and (4) Test alternate alarm device(s). <p><i>[This section is revised per comments received, consistent with changes to WAC 170-296A-2950]</i></p>

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<p>WAC 170-296A-3200 Health plan. The licensee must have a written health plan. The health plan must include:</p> <ul style="list-style-type: none"> (1) Communicable disease notification under WAC 170-296A-3210; (2) Exclusion of ill person under WAC 170-296A-3225; (3) Immunization tracking under WAC 170-296A-3250 through 170-296A-3300; (4) Medication management under WAC 170-296A-3325 through 170-296A-3550; (5) Medication storage; (6) Injury treatment under WAC 170-296A-3375 through 170-296A-3600; and (7) Handwashing and hand sanitizers under WAC 170-296A-3625 through 170-296A-3675. 	<p>WAC 170-296A-3200 Health plan. The licensee must have a written health plan. The health plan must include:</p> <ul style="list-style-type: none"> (1) Communicable disease procedures and exclusion of ill persons under WAC 170-296A-3210; (2) Immunization tracking under WAC 170-296A-3250 through 170-296A-3300; (3) Medication management under WAC 170-296A-3315 through 170-296A-3550; (4) Injury treatment under WAC 170-296A-3575 through 170-296A-3600; (5) Handwashing and hand sanitizers under WAC 170-296A-3625 through 170-296A-3675; (6) Caring for children with special health needs under WAC 170-296A-0050; (7) Cleaning, sanitizing, and disinfecting procedures; (8) A bloodborne pathogens plan under WAC 170-296A-1850; and (9) Notifying the health department when a child is diagnosed with a notifiable condition as required under WAC 170-296A-2325. <p><i>[This section is revised for clarity and to be consistent with related changes in other adopted sections]</i></p>
<p>WAC 170-296A-3210 Communicable disease--Notice and procedure. When the licensee becomes aware that he or she, a household member, staff person or child in care has been diagnosed with a communicable disease as described in DOH WAC 246-110-010(4), the licensee must:</p> <ul style="list-style-type: none"> (1) Notify: <ul style="list-style-type: none"> (a) The local public health jurisdiction or DOH; (b) DEL within twenty-four hours from time the licensee receives notification of the diagnosis; (c) Parents and guardians of all the children in care; <p>and</p> <ul style="list-style-type: none"> (2) Follow the health plan before providing care or before readmitting the household member, staff person or child into the child care. 	<p>WAC 170-296A-3210 Communicable disease--Notice and procedure.</p> <p><i>[See the revised content following table 3, including a new table in this section. This section is revised per comments on the proposed rules and for clarity. It also incorporates the content of withdrawn WAC 170-296A-3225 to clarify that the requirements of these sections are related]</i></p>
<p>WAC 170-296A-3225 Exclusion of ill persons. The licensee's health plan includes provisions for excluding or separating a child, staff person, or household member with communicable disease as described in WAC 246-110-010(4) or any of the following:</p> <ul style="list-style-type: none"> (1) Fever of one hundred one degrees Fahrenheit or higher; (2) Vomiting that occurs two or more times in a twenty-four-hour period; (3) Diarrhea with three or more watery stools in a twenty-four-hour period; (4) Rash not associated with heat, diapering or an allergic reaction; or (5) Drainage of thick mucus and pus from the eye. 	<p><i>[WAC 170-296A-3225 is withdrawn and its content merged into WAC 170-296A-3210]</i></p>

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<p>WAC 170-296A-3250 Immunization tracking. The licensee is required to track each child's immunization status. The licensee must:</p> <p>(1) Except as provided in WAC 170-296A-3200 or 170-296A-3275, have a complete current certificate of immunization status (CIS) form or similar form supplied by a health care professional for each child, submitted on or before the child's first day of child care;</p> <p>(2) Develop a system to update and keep individual immunization records current to include when immunizations are received; and</p> <p>(3) Have the CIS or similar forms for each currently enrolled child available in licensed space for review by the licensor.</p>	<p>WAC 170-296A-3250 Immunization tracking. The licensee is required to track each child's immunization status. The licensee must:</p> <p>(1) Except as provided in WAC 170-296A-3275 or 170-296A-3300, have a complete current certificate of immunization status (CIS) form or similar form supplied by a health care professional for each child, submitted on or before the child's first day of child care;</p> <p>(2) Develop a system to update and keep individual immunization records current to include when immunizations are received; and</p> <p>(3) Have the CIS or similar forms for each currently enrolled child available in the licensed space for review by the licensor.</p> <p><i>[An incorrect cross references in subsection (1) is corrected for clarity]</i></p>
<p>WAC 170-296A-3300 Immunizations--Exemption. The licensee may accept a child without any immunizations if the parent or guardian:</p> <p>(1) Signs a statement expressing a religious, philosophical or personal objection to immunization.</p> <p>(2) Provides a DOH certificate of exemption form or similar statement.</p>	<p>WAC 170-296A-3300 Immunizations--Exemption. The licensee may accept a child without any immunizations if the parent or guardian provides:</p> <p>(1) A DOH medical exemption form signed by a health care professional; or</p> <p>(2) A DOH form or similar statement signed by the child's parent or guardian expressing a religious, philosophical or personal objection to immunization.</p> <p><i>[This section revised consistent with 2011 Senate Bill 5504]</i></p>
<p>(See proposed WAC 170-296A-3400)</p>	<p><i>[This section consolidates content in withdrawn WAC 170-296A-3400 and content added as a result of comments on the proposed rules]</i></p> <p>WAC 170-296A-3315 Medication management. (1) The licensee's medication management policy must include:</p> <p>(a) Safe medication storage, including the licensee's family medications; and</p> <p>(b) Whether the licensee chooses to give medications to children in care.</p> <p>(2) If the licensee chooses to give medications to children in care, the licensee's policy must include:</p> <p>(a) How giving medications will be documented (medication log), including documenting when a medication is given or not given as prescribed or as indicated on the permission form;</p> <p>(b) Permission to give medications to a child signed by the child's parent or guardian, and by a licensed medical professional when appropriate; and</p> <p>(c) That only the licensee or primary staff person may give medication or observe a child taking his or her own medication as described in WAC 170-296A-3550.</p> <p>(3) If the licensee chooses not to give any medications to children in care, the licensee must inform parents in the parent/guardian handbook.</p> <p>(4) If the licensee or primary staff person decides not to give a specific medication to a child after having received written permission by the child's parent or guardian, the licensee or primary staff person must immediately notify the parent or guardian of the decision to not give the medication.</p> <p>(5) The licensee must make reasonable accommodations</p>

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	and give medication if a child has a condition where the Americans with Disabilities Act (ADA) would apply.
<p>WAC 170-296A-3325 Medication storage. The licensee must store all medications (except rescue medications under WAC 170-296A-3350 and topical nonprescription medications described in WAC 170-296A-4100), vitamins, herbal remedies, dietary supplements and pet medications in a locked cabinet or locked container.</p>	<p>WAC 170-296A-3325</p> <p><i>[See the revised content at the end of table 3, including an added table regarding medicine storage. This section is revised for clarity. It incorporates the content of withdrawn WAC 170-296A-3325 and the medication storage table moved from WAC 170-296A-4100, with revisions for clarity and as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-3350 Child's emergency rescue medications. The licensee must keep emergency rescue medications inaccessible but available for emergency use to meet a child's emergency medical needs.</p>	<p><i>[WAC 170-296A-3350 is withdrawn and its content is merged into WAC 170-296A-3325]</i></p>
<p>WAC 170-296A-3375 Medication permission. (1) The licensee must have written permission from a child's parent or guardian to give a child any medication. The permission must include:</p> <ul style="list-style-type: none"> (a) Child's name; (b) Name of the medication and condition being treated; (c) Dose to be given; (d) Start and stop date for administering medication not to exceed thirty calendar days, except as provided in subsection (2) of this section; (e) Parent or guardian signature; and (f) Date of signature. <p>(2) A parent or guardian may give the licensee ninety calendar days permission for use of the following:</p> <ul style="list-style-type: none"> (a) Diaper ointments and talc free powders intended specifically for use in the diaper area of children; (b) Sun screen; (c) Hand sanitizers; or (d) Hand wipes with alcohol. <p>(3) The licensee must keep a written record of medication administration (medication log) that includes the:</p> <ul style="list-style-type: none"> (a) Child's name; (b) Name of medication; (c) Dose given; (d) Dates and time of each medication given; and (e) Name and signature of the person administering the medication. <p>(4) The licensee must allow the parent or guardian to review their own child's written medication administration records.</p> <p>(5) The licensee must return any unused medication to the child's parent or guardian.</p> <p>(6) Medication permission forms must be kept confidential.</p> <p>(7) Medication permission forms and medication logs for the previous twelve months must be kept in the licensed space and be available for review by the licensor.</p>	<p>WAC 170-296A-3375 Medication permission. (1) The licensee must have written permission from a child's parent or guardian to give a child any medication. The permission must include:</p> <ul style="list-style-type: none"> (a) Child's name; (b) Name of the medication and condition being treated; (c) Dose and frequency to be given; (d) Instructions for any specialized equipment or procedures for giving the child's medication; (e) Start and stop date for administering medication not to exceed thirty calendar days, except as provided in subsection (2) of this section; (f) Parent or guardian signature; and (g) Date of signature. <p>(2) A parent or guardian may give the licensee ninety calendar days permission for use of the following:</p> <ul style="list-style-type: none"> (a) Diaper ointments and talc free powders used as needed that are intended specifically for use in the diaper area of children; (b) Sun screen; (c) Hand sanitizers; or (d) Hand wipes with alcohol. <p>(3) The licensee must keep a written record of medication administration (medication log) that includes the:</p> <ul style="list-style-type: none"> (a) Child's name; (b) Name of medication; (c) Dose given; (d) Dates and time of each medication given; and (e) Name and signature of the person giving the medication. <p>(4) The licensee must return any unused medication to the child's parent or guardian.</p> <p>(5) Medication permission forms and medication logs must be kept confidential. The licensee must allow a child's parent or guardian to review their own child's medication administration records.</p> <p>(6) Medication permission forms and medication logs for the previous twelve months must be kept in the licensed space and be available for review by the licensor.</p> <p><i>[This section is revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-3400 Administering medications. (1) Only the licensee or primary staff person may administer medication, or observe a child administering their own medication as described in WAC 170-296A-3550.</p> <p>(2) The licensee or primary staff person must not administer or allow administration of an expired medication.</p>	<p><i>[WAC 170-296A-3400 is withdrawn and its content is merged into WAC 170-296A-3315]</i></p>
<p>WAC 170-296A-3425 Medication requirements. The licensee or primary staff person must follow the medication directions for managing and administering prescription and nonprescription medication for the individual children in care.</p>	<p>WAC 170-296A-3425 Medication requirements. The licensee or primary staff person must follow the medication directions for managing and administering prescription and nonprescription medication for the individual children in care. The licensee or primary staff person must not give or allow giving of an expired medication.</p> <p><i>[This section revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-3450 Sedating a child prohibited. The licensee or primary staff person must not administer or allow administration of any medication for the purpose of sedating a child unless the medication has been prescribed for that purpose by a qualified health care professional.</p>	<p>WAC 170-296A-3450 Sedating a child prohibited. The licensee or primary staff person must not give or allow giving of any medication for the purpose of sedating a child unless the medication has been prescribed for that purpose by a qualified health care professional and prescribed for the child receiving the medication.</p> <p><i>[This section is revised per comments on the proposed rule]</i></p>
<p>WAC 170-296A-3475 Administering prescription medication. The licensee or primary staff must administer a prescribed medication only:</p> <ol style="list-style-type: none"> (1) To the child that the medication is prescribed for; (2) In amount and frequency prescribed by a health care professional with prescription authority; (3) For the purpose or condition that the medication is prescribed to treat; (4) When the medication: <ol style="list-style-type: none"> (a) Is in the original container; (b) Is labeled with the child's first and last name; (c) Has a nonexpired expiration date; (5) If the parent or guardian provides information from the pharmacy about: <ol style="list-style-type: none"> (a) Medication storage; (b) Potential adverse reactions or side effects; and (6) If the medication is stored at the proper temperature noted on the container label or pharmacy instructions. 	<p>WAC 170-296A-3475 Prescription medication. The licensee or primary staff person may give a prescribed medication to a child only if the following conditions are met:</p> <ol style="list-style-type: none"> (1) The medication is prescribed only for the child the medication is being given to; (2) The parent or guardian has provided written permission as described in WAC 170-296A-3375; (3) The prescribed medication is given in the amount and frequency prescribed by the child's health care professional with prescription authority; (4) The prescribed medication must only be given for the purpose or condition that the medication is prescribed to treat; (5) The medication must: <ol style="list-style-type: none"> (a) Be in the original container; (b) Be labeled with the child's first and last name; (c) Have a nonexpired expiration date; (6) The container must have or the parent or guardian must provide information from the pharmacy about: <ol style="list-style-type: none"> (a) Medication storage; (b) Potential adverse reactions or side effects; and (7) The medication has been stored at the proper temperature noted on the container label or pharmacy instructions. <p><i>[This section is revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-3525 Nonprescription medications. The licensee or primary staff may administer nonprescription medications, as defined in this chapter, only when:</p> <ol style="list-style-type: none"> (1) The nonprescription medication is: <ol style="list-style-type: none"> (a) Given to or used with a child only in the dosage and as directed on the manufacturer's label; (b) Given in accordance to the age or weight of the child needing the medication; (c) Given only for the purpose or condition that the medication is intended to treat; 	<p>WAC 170-296A-3525 Nonprescription medications. The licensee or primary staff person may give nonprescription medications, as defined in this chapter, only when the following conditions are met:</p> <ol style="list-style-type: none"> (1) The parent or guardian has given signed written permission as provided in WAC 170-296A-3375. (2) The nonprescription medication is: <ol style="list-style-type: none"> (a) Given to or used with a child only in the dosage, frequency and as directed on the manufacturer's label; (b) Given in accordance to the age or weight of the child

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<p>(d) Is in the original container; and</p> <p>(e) Has a nonexpired expiration date, if applicable.</p> <p>(2) The container includes, or the parent or guardian provides information about:</p> <p>(a) Medication storage;</p> <p>(b) Potential adverse reactions or side effects.</p> <p>(3) The medication is stored at the proper temperature noted on the container label or pharmacy instructions.</p>	<p>needing the medication;</p> <p>(c) Given only for the purpose or condition that the medication is intended to treat;</p> <p>(d) Is in the original container; and</p> <p>(e) Has a nonexpired expiration date, if applicable.</p> <p>(3) The medication container or packaging includes, or the parent or guardian provides information about:</p> <p>(a) Medication storage;</p> <p>(b) Potential adverse reactions or side effects.</p> <p>(4) The medication has been stored at the proper temperature noted on the container label or instructions.</p> <p><i>[This section is revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-3575 Injuries requiring first aid only. When a child has an injury that requires first aid only, a written or verbal notice must be given to the parent or guardian and keep a record of the notice on file.</p>	<p>WAC 170-296A-3575 Injuries requiring first aid only. When a child has an injury that requires first aid only, the licensee must give a written or verbal notice to the child's parent or guardian and keep a record of the notice on file.</p> <p><i>[This section is revised for clarity]</i></p>
<p>WAC 170-296A-3650 Hand sanitizers. (1) If the licensee has a written and signed parent or guardian permission as described in WAC 170-296A-3375(2), the licensee may use hand sanitizer products only with children over twelve months old. Hand sanitizer products may be used:</p> <p>(a) When handwashing facilities are not available, such as an outing, emergency, or disaster; or</p> <p>(b) After proper handwashing.</p> <p>(2) Hand sanitizer gels must not be used in place of proper handwashing if handwashing facilities are available.</p>	<p>WAC 170-296A-3650 Hand sanitizers. (1) If the licensee has a written and signed parent or guardian permission as described in WAC 170-296A-3375(2), the licensee may use hand sanitizer products only with children over twenty-four months old. Hand sanitizer products may be used:</p> <p>(a) When handwashing facilities are not available, such as an outing, emergency, or disaster; or</p> <p>(b) After proper handwashing.</p> <p>(2) Hand sanitizer gels must not be used in place of proper handwashing if handwashing facilities are available.</p> <p><i>[This section is revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-3670 Cribs. In order to meet federal requirements, a licensee who uses a crib with children in care must comply with this section.</p> <p>(1) Effective December 28, 2012, each crib in use in licensed child care must meet U.S. Consumer Product Safety Commission (CPSC) requirements for full size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non-full size cribs as defined in 16 CFR 1220.</p> <p>(2) A crib meets the requirements of this section if the crib is labeled by the manufacturer as made on or after June 28, 2011.</p> <p>(3) A crib labeled as made from July 1, 2010 through June 27, 2011 may meet the requirements of this section if the licensee has obtained a certificate of compliance from the crib manufacturer or importer, or the licensee has other documentation from the manufacturer that the crib is certified as meeting the CPSC regulations.</p> <p>(4) Any crib that does not meet the requirements of subsection (2) or (3) of this section must be removed from the child care facility not later than December 28, 2012.</p> <p>(5) The licensee must keep in the licensed space a log documenting that each crib in use meets the requirements of this section.</p>	<p><i>[Proposed WAC 170-296A-3670 in its entirety is renumbered as WAC 170-296A-7085 for more logical order]</i></p>

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<p>WAC 170-296A-3675 When handwashing is required. The licensee, staff and children must wash their hands and follow proper handwashing techniques:</p> <ul style="list-style-type: none"> (1) After using the toilet; (2) After diapering a child; (3) After outdoor play; (4) After playing with animals; (5) After touching an animal's toys; (6) After touching body fluids; (7) Before and after the child eats or participates in food activities; or (8) As needed. 	<p>WAC 170-296A-3675 When handwashing is required. (1) The licensee and staff must wash their hands and follow proper handwashing techniques:</p> <ul style="list-style-type: none"> (a) Before and after preparing foods, eating, or feeding a child; (b) After handling raw or undercooked meat, poultry or fish; (c) After using the toilet or helping a child with toileting; (d) Before and after diapering a child. If needed during diapering, a disposable hand wipe cloth may be used; (e) After touching bodily fluids as described in the licensee's bloodborne pathogens plan; (f) After being outdoors with the children; (g) After handling animals or cleaning up animal waste; (h) After handling garbage and garbage receptacles; (i) Before and after giving medication or applying topical ointment; or (j) As needed. <p>(2) The licensee and staff must direct children to wash their hands or assist children with handwashing:</p> <ul style="list-style-type: none"> (a) Before and after the eating or participating in food activities; (b) After toileting or diapering (the licensee may use a diaper wipe to clean hands of a child age zero to six months); (c) After touching bodily fluids, including after sneezing, coughing; (d) After outdoor play; (e) After playing with animals or handling animal toys; or (f) As needed. <p><i>[This section is revised as a result of comments on the proposed rule and to clarify the requirements for the licensee and staff]</i></p>
<p>WAC 170-296A-3700 Carpets. The licensee must clean installed carpet in the licensed space at least once each calendar year or more often when soiled.</p>	<p>WAC 170-296A-3700 Carpets. The licensee must clean installed carpet in the licensed space at least once each calendar year or more often when soiled, using a carpet shampoo machine, steam cleaner, or dry carpet cleaner.</p> <p><i>[This section is revised for clarity and as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-3725 Sleeping. (1) The licensee must provide mats, cots, or other sleeping equipment long enough and wide enough for the size of the child.</p> <ul style="list-style-type: none"> (2) The licensee must never place the children directly on the floor to sleep. (3) When children are sleeping there must be enough space between children to give staff access to each child. 	<p>WAC 170-296A-3725 Where children may sleep. (1) The licensee must provide mats, cots, or other sleeping equipment long enough and wide enough for the size of the child.</p> <ul style="list-style-type: none"> (2) The licensee must never place the children directly on the floor to sleep. (3) When children are sleeping there must be enough space between children to give staff access to each child. <p><i>[The title of this section is revised for clarity]</i></p>

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<p>WAC 170-296A-3750 Mats, cots and other sleeping equipment. (1) The licensee must provide mats, cots, or other approved sleeping equipment that are made of material that can be cleaned and sanitized.</p> <p>(2) Mats, cots or other sleeping equipment must be cleaned, sanitized, and air dried:</p> <p>(a) At least once a week or as needed if used by one child; or</p> <p>(b) Between each use if used by different children.</p> <p>(3)(a) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water;</p> <p>(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(4) Mats, cots, and other sleeping equipment must be stored so that the sleeping surfaces are not touching each other, unless they are cleaned and sanitized after each use.</p>	<p>WAC 170-296A-3750 Mats, cots and other sleeping equipment. (1) The licensee must provide mats, cots, or other approved sleeping equipment that are made of material that can be cleaned and sanitized.</p> <p>(2) Mats, cots, or other sleeping equipment must be in good repair, not torn or with holes or repaired with tape.</p> <p>(3) A sleeping mat must be at least one inch thick.</p> <p>(4) Mats, cots, or other sleeping equipment must be cleaned, sanitized, and air dried:</p> <p>(a) At least once a week or as needed if used by one child; or</p> <p>(b) Between each use if used by different children.</p> <p>(5)(a) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water;</p> <p>(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(6) When in use, mats, cots, or other sleeping equipment must be arranged to allow the licensee or staff to access the children.</p> <p>(7) Mats, cots, and other sleeping equipment must be stored so that the sleeping surfaces are not touching each other, unless they are cleaned and sanitized after each use.</p> <p><i>[This section is revised as a result of comments on the proposed rules, and for clarity]</i></p>
<p>WAC 170-296A-3760 Cribs. In order to meet federal requirements, a licensee who uses a crib with children in care must comply with this section.</p> <p>(1) Effective December 28, 2012, each crib in use in licensed child care must meet U.S. Consumer Product Safety Commission (CPSC) requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or nonfull-size cribs as defined in 16 CFR 1220.</p> <p>(2) A crib meets the requirements of this section if the crib is labeled by the manufacturer as made on or after June 28, 2011.</p> <p>(3) A crib labeled as made from July 1, 2010 through June 27, 2011 may meet the requirements of this section if the licensee has obtained a certificate of compliance from the crib manufacturer or importer, or the licensee has other documentation from the manufacturer that the crib is certified as meeting the CPSC regulations.</p> <p>(4) A crib that does not meet the requirements of subsection (2) or (3) of this section must be removed from the child care facility not later than December 28, 2012.</p> <p>(5) The licensee must keep in the licensed space a log documenting that each crib in use meets the requirements of this section.</p>	<p>WAC 170-296A-3760 Moved to 7085</p>
<p>WAC 170-296A-3850 Cleaning laundry. The licensee must wash child care laundry using:</p> <p>(1) Laundry soap or detergent; and</p> <p>(2)(a) Temperature control (warm or hot cycle); or</p> <p>(b) Bleach.</p>	<p>WAC 170-296A-3850 Cleaning laundry. The licensee must wash child care laundry using:</p> <p>(1) Laundry soap or detergent; and</p> <p>(2)(a) Temperature control (warm or hot cycle); or</p> <p>(b) Chlorine bleach.</p>

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	<i>[This section revised per comments on the proposed rules]</i>
<p>WAC 170-296A-3875 Cleaning and sanitizing toys. (1) The licensee must clean and sanitize toys:</p> <ul style="list-style-type: none"> (a) After they have been in a child's mouth; (b) After being contaminated with body fluids or visibly soiled; or (c) Not less than weekly when the toys have been used by the children. <p>(2)(a) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water;</p> <p>(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p>	<p>WAC 170-296A-3875 Cleaning and sanitizing toys. (1) The licensee must clean and sanitize toys:</p> <ul style="list-style-type: none"> (a) Before a child plays with a toy that has come into contact with another child's mouth or bodily fluids; (b) After being contaminated with bodily fluids or visibly soiled; or (c) Not less than weekly when the toys have been used by the children. <p>(2)(a) If a bleach solution is used to sanitize, the solution must be three-quarter teaspoon of bleach to one quart of cool water;</p> <p>(b) If another sanitizer product is used, it must be labeled as approved for food contact surfaces, used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry, and rinsed if required by the product instructions.</p> <p><i>[This section revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-3925 Cleaning and sanitizing table. The following table describes the minimum frequency for cleaning or sanitizing items in the licensed space.</p>	<p>WAC 170-296A-3925 Cleaning, sanitizing, and disinfecting table.</p> <p><i>[See the table following table 3 for revisions to this section, which is revised as a result of comments on the proposed rules and to clarify its content]</i></p>
<p>WAC 170-296-3950 Pest Control. When pests are present in the licensed space, the licensee must:</p> <ul style="list-style-type: none"> (1) Take action to remove or eliminate pests; and (2)(a) Use the least poisonous method possible; or (b) If chemical pesticides are used, post a notice visible to parents, guardians and any other interested party forty-eight hours in advance of the application of pesticides. 	<p>WAC 170-296-3950 Pest control. When pests are present in the licensed space, the licensee must:</p> <ul style="list-style-type: none"> (1) Take action to remove or eliminate pests; and (2)(a) Where possible, use nonchemical methods of control instead of chemical controls; or (b) If chemical pesticides are used, the licensee must: <ul style="list-style-type: none"> (i) Not spray pesticides when children are present. Wipe down surfaces that have been sprayed and air out rooms before allowing children to use sprayed areas; (ii) Place and store rodent poison or insect baits inaccessible to children; and (iii) Post a notice visible to parents and guardians of children in care forty-eight hours in advance of the application of pesticides, except when pesticides must be used to control pests that may pose an immediate risk to children's health or safety. <p><i>[This section revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-3975 Poisons. The licensee must:</p> <ul style="list-style-type: none"> (1) Store poisons inaccessible to children and away from food. (2) Label the containers when poisons are not in their original containers. 	<p><i>[This section is withdrawn, the proposed rule content moved to new subsection (1) of WAC 170-296A-4100, and the content revised per comment on the propose rule.]</i></p>
<p>WAC 170-296A-4000 Lead, asbestos and arsenic. The licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:</p> <ul style="list-style-type: none"> (1) Lead based paint; (2) Plumbing containing lead or lead solders; (3) Asbestos; or (4) Arsenic or lead in the soil. 	<p>WAC 170-296A-4000 Lead, asbestos, arsenic and other hazards. The licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:</p> <ul style="list-style-type: none"> (1) Lead based paint; (2) Plumbing containing lead or lead solders; (3) Asbestos; or (4) Arsenic or lead in the soil or drinking water; (5) Toxic mold; or

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	(6) Other identified toxins or hazards. <i>[This section revised per comments on the proposed rules]</i>
<p>WAC 170-296A-4025 Drugs and alcohol. (1) The licensee staff, volunteers, or household members must not:</p> <ul style="list-style-type: none"> (a) Have or use illegal drugs on the premises; (b) Consume alcohol during operating hours; or (c) Be under the influence of alcohol, illegal drugs or misused prescription drugs when working with or in the presence of children in care. <p>(2) The licensee must keep and store all alcohol, including closed and open containers, inaccessible to children.</p>	<p>WAC 170-296A-4025 Drugs and alcohol. (1) The licensee, staff, volunteers, or household members must not, or allow others to:</p> <ul style="list-style-type: none"> (a) Have or use illegal drugs on the premises; (b) Consume alcohol during operating hours; or (c) Be under the influence of alcohol, illegal drugs or misused prescription drugs when working with or in the presence of children in care. <p>(2) The licensee must keep and store all alcohol, including closed and open containers, inaccessible to children.</p> <p><i>[This section revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-4075 First aid kit. (1) The licensee must have a complete first aid kit at all times:</p> <ul style="list-style-type: none"> (a) In the licensed space; (b) On any off-site trip; and (c) In any vehicle used to transport children in care. <p>(2) A complete first aid kit must include clean:</p> <ul style="list-style-type: none"> (a) Disposable nonporous protective gloves; (b) Adhesive bandages of various sizes; (c) Small scissors; (d) Tweezers; (e) An elastic wrapping bandage; (f) Sterile gauze pads; (g) Ice pack; (h) Mercury free thermometer for taking a child's temperature; (i) Large triangular bandage, for use as a sling; (j) Adhesive tape; and (k) One-way CPR barrier or mask. <p>(3) The first aid kit must include a current first aid manual.</p>	<p>WAC 170-296A-4075 First aid kit. (1) The licensee must have a complete first aid kit at all times:</p> <ul style="list-style-type: none"> (a) In the licensed space; (b) On any off-site trip; and (c) In any vehicle used to transport children in care. <p>(2) A complete first aid kit must include clean:</p> <ul style="list-style-type: none"> (a) Disposable nonporous protective gloves; (b) Adhesive bandages of various sizes; (c) Small scissors; (d) Tweezers; (e) An elastic wrapping bandage; (f) Sterile gauze pads; (g) Ice packs; (h)(i) Mercury free thermometer that is: <ul style="list-style-type: none"> (A) Used with a disposable sleeve; or (B) Cleaned and sanitized after each use; or (ii) A single-use thermometer that is disposed of after a single use; (i) A sling, or a large triangular bandage; and (j) Adhesive tape. <p>(3) The first aid kit must include a current first aid manual.</p> <p><i>[This section revised per comments on the proposed rules]</i></p>

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<p>WAC 170-296A-4100 Storage of medications, chemicals and other substances. The following table describes medications, chemicals and other substances that must be:</p> <p>(1) Stored in a locked container or cabinet until use; or</p> <p>(2) Stored inaccessible to children. Rescue medications described in subsection (3) of the table must be available for the licensee or primary staff to administer to a child if needed.</p>	<p>WAC 170-296A-4100 Poisons, chemicals and other substances. (1) The licensee must:</p> <p>(a) Store poisons inaccessible to children and where poisons will not contaminate food.</p> <p>(b) If poisons are not in the original container, clearly label the container with the name of the product and the words "poison" or "toxic."</p> <p>(2) The following describes chemicals and other substances that must be stored inaccessible to children:</p> <p>(a) Nail polish remover;</p> <p>(b) Sanitizers and disinfectants;</p> <p>(c) Household cleaners and detergents;</p> <p>(d) Toxic plants;</p> <p>(e) Plant fertilizer;</p> <p>(f) Ice melt products;</p> <p>(g) Pool chemicals;</p> <p>(h) Pesticides or insecticides;</p> <p>(i) Fuels, oil, lighter fluid, or solvents;</p> <p>(j) Matches or lighters;</p> <p>(k) Air freshener or aerosols;</p> <p>(l) Personal grooming products including, but not limited to:</p> <p>(i) Lotions, creams, toothpaste, or diaper creams when not in use;</p> <p>(ii) Liquid, powder, or cream personal hygiene products;</p> <p>(iii) Shampoo, conditioners, hair gels or hair sprays;</p> <p>(iv) Bubble bath or bath additives;</p> <p>(v) Makeup or cosmetics.</p> <p>(m) Dish soap, dishwasher soap or additives;</p> <p>(n) Tobacco products, including cigarette/cigar butts and contents of ashtrays; or</p> <p>(o) Alcohol, open or unopened.</p> <p><i>[This section is revised as a result of comments received on the proposed rule and for clarity. Portions of rule regarding - medication storage is moved to WAC 170-296A-3325]</i></p>
<p>WAC 170-296A-4200 Removing recalled items. The licensee must maintain equipment, toys or other items in the child care in good and safe working condition. The licensee must maintain awareness of equipment, toys or other items used in child care listed for recall by the U.S. Consumer Product Safety Commission.</p>	<p>WAC 170-296A-4200 Toys, equipment, and recalled items. The licensee must maintain equipment, toys or other items in the child care in good and safe working condition. The licensee must remove a recalled item as soon as the licensee becomes aware that the item used in the licensee's child care operation has been recalled.</p> <p><i>[This section revised per comments on the proposed rules]</i></p>
<p>WAC 170-296A-4325 Stairs. (1) If there are stairs in the licensed space, the licensee must:</p> <p>(a) Keep the stairway well lit;</p> <p>(b) Keep the stairway free of clutter; and</p> <p>(c) Have a handrail or vertical slats on one side of the stairs that children can reach.</p> <p>(2) The licensee must keep the stairs inaccessible to the children when not in use with a:</p> <p>(a) Barrier;</p> <p>(b) Nonpressure gate; or</p> <p>(c) Door.</p>	<p>WAC 170-296A-4325 Stairs. (1) If there are stairs in the licensed space, the licensee must:</p> <p>(a) Keep the stairway well lit;</p> <p>(b) Keep the stairway free of clutter; and</p> <p>(c) Have a handrail not higher than thirty inches high or sturdy slats on one side of the stairs.</p> <p>(2) The licensee must provide a pressure gate, safety gate, or a door to keep the stairs inaccessible to infants and toddlers when not in use.</p> <p>(3) Openings between slats or on pressure gates or safety gates must not be larger than three and one-half inches wide.</p>

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	<i>[This section revised per comments on the proposed rules]</i>
<p>WAC 170-296A-4375 Lighting safety. (1) When ceiling-mounted light fixtures are in the play space, the licensee must provide one or more of the following:</p> <ul style="list-style-type: none"> (a) Shatter-resistant covers; (b) Shatter-resistant light bulbs; or (c) Otherwise make the light fixtures safe. <p>(2) The licensee must not:</p> <ul style="list-style-type: none"> (a) Allow bare light bulbs in any play space; or (b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or (c) Use halogen lamps in any area accessible to children during operating hours. 	<p>WAC 170-296A-4375 Lighting safety. (1) When ceiling-mounted light fixtures are in the licensed space accessible to children, the licensee must provide one or more of the following:</p> <ul style="list-style-type: none"> (a) Shatter-resistant covers; (b) Shatter-resistant light bulbs; or (c) Otherwise make the light fixtures safe. <p>(2) The licensee must not:</p> <ul style="list-style-type: none"> (a) Allow bare light bulbs in any play space; (b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or (c) Use halogen lamps in any area accessible to children during operating hours.
	<i>[This section revised per comments on the proposed rules]</i>
<p>WAC 170-296A-4450 Interior door locks. An interior door is any door that does not exit to the exterior of the home. Any interior door that locks must be able to be unlocked from either side. An unlocking device must be readily available for staff to unlock any interior door when a child is locked in.</p>	<p>WAC 170-296A-4450 Interior door and locks. An interior door is any door that does not exit to the exterior of the home. Any interior door in the licensed space that locks must be able to be unlocked from either side. An unlocking device must be readily available for staff to unlock any interior door when a child is locked in.</p>
<p>WAC 170-296A-4500 Emergency exits--General. (1) Each floor used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.</p> <ul style="list-style-type: none"> (a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible. (b) One exit must be an emergency exit door as defined in WAC 170-296A-4525 and the other exit may be a door or an emergency window as defined in WAC 170-296A-4550. <p>(2) Every room used for child care, except bathrooms, must have:</p> <ul style="list-style-type: none"> (a) A door leading to two separate emergency exit pathways; or (b) An emergency exit door leading directly to the exterior of the building. <p>See WAC 170-296A-4575 for additional requirements for rooms used for sleeping or napping.</p> <p>(3) If child care is provided in a basement or floor level accessed by an interior stairway, the stairway must have a self closing door at the top or bottom.</p> <p>(4) Any basement approved for licensed child care must have two means of emergency exit, which may be one of the following:</p> <ul style="list-style-type: none"> (a) Two emergency exit doors that exit directly to the exterior of the home without entering the first floor; or (b) One of the two emergency exits is an emergency exit window or emergency exit door, and the other exit is an interior stairway that leads to an emergency exit. 	<p>WAC 170-296A-4500 Emergency exits--General. (1) Each level of the home (floor) used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.</p> <ul style="list-style-type: none"> (a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible. (b) One exit must be an emergency exit door as defined in WAC 170-296A-4525 and the other exit may be a door or an emergency window as defined in WAC 170-296A-4550. <p>(2) Every room used for child care, except bathrooms, must have two separate ways to exit that must be:</p> <ul style="list-style-type: none"> (a) An emergency exit door and emergency exit window leading directly to the exterior of the building; (b) An emergency exit door or emergency exit window and an interior door or doorway leading to an emergency exit pathway; or (c) Two separate doors or doorways leading to two separate emergency exit pathways. <p>See WAC 170-296A-4575 for additional requirements for rooms used for sleeping or napping.</p> <p>(3) If child care is provided in a basement or level of the home accessed by an interior stairway, the stairway must have a self closing door at the top or bottom. As used in this section "basement" means the portion of the home that is partly or completely below grade.</p> <p>(4) Any basement approved for licensed child care must have two means of emergency exit, which may be one of the following:</p> <ul style="list-style-type: none"> (a) Two emergency exit doors that exit directly to the exterior of the home without entering the first floor; or (b) One of the two emergency exits is an emergency exit window or emergency exit door, and the other exit is an interior stairway that leads to an emergency exit.

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<p>WAC 170-296A-4525 Emergency exit doors. (1) An emergency exit door must open to the exterior of the home.</p> <p>(2) Any door used as an emergency exit door must:</p> <p>(a) Remain unlocked during operating hours;</p> <p>(b) Be designed to open from the inside without the use of keys, tools, or special knowledge and automatically unlocks when the door knob or handle is turned; and</p> <p>(c) Be easy to open to the full open position.</p> <p>(3) If the emergency exit door opens to a landing that is four feet (forty-eight inches) or more above grade, the landing must lead to a stairway or ramp to get to ground level.</p>	<p>WAC 170-296A-4525 Emergency exit doors. (1) An emergency exit door must open to the exterior of the home.</p> <p>(2) Any door used as an emergency exit door must:</p> <p>(a) Remain unlocked from the inside during operating hours; and</p> <p>(b) Be easy to open to the full open position.</p> <p>(3) If the emergency exit door opens to a landing that is four feet (forty-eight inches) or more above grade, the landing must lead to a stairway or ramp to get to ground level.</p> <p><i>[This section revised as a result of comments on the proposed rules and to clarify its requirements]</i></p>
<p>WAC 170-296A-4550 Emergency exit windows. (1) Any window used as an emergency exit window must:</p> <p>(a) Remain unlocked during operating hours, except a manufacturer-installed latch may be latched;</p> <p>(b) Be designed to open from the inside of the room without the use of keys, tools or special knowledge; and</p> <p>(c) Be easy to open to the full open position.</p> <p>(2) An emergency exit window must be at least five point seven square feet in area, except emergency exit windows on the ground floor may be five square feet in area. When open, the window opening must be at least:</p> <p>(a) Twenty inches wide; and</p> <p>(b) Twenty-four inches tall.</p> <p>(3) An emergency exit window must have an interior sill height of forty-four inches or less above the interior floor. If the interior sill height is more than forty-four inches above the interior floor, a sturdy platform (which may be a table or other device) may be used to make the distance forty-four inches or less to the interior window sill. The platform must be in place below the window sill at all times during operating hours.</p> <p>(4) An emergency exit window must have a place to land outside that is forty-eight inches or less below the window which may be either:</p> <p>(a) The ground; or</p> <p>(b) A deck, landing or platform constructed and inspected by local building officials as meeting current building codes.</p>	<p>WAC 170-296A-4550 Emergency exit windows. (1) Any window used as an emergency exit window must:</p> <p>(a) Remain unlocked during operating hours, except a manufacturer-installed latch may be latched;</p> <p>(b) Be designed to open from the inside of the room without the use of keys, tools or special knowledge; and</p> <p>(c) Be easy to open to the full open position.</p> <p>(2) An emergency exit window must be at least five point seven square feet of opened area, except emergency exit windows on the ground floor may be five square feet of opened area. When open, the window opening must be at least:</p> <p>(a) Twenty inches wide; and</p> <p>(b) Twenty-four inches tall.</p> <p>(3) An emergency exit window must have an interior sill height of forty-four inches or less above the interior floor. If the interior sill height is more than forty-four inches above the interior floor, a sturdy platform (which may be a table or other device) may be used to make the distance forty-four inches or less to the interior window sill. The platform must be in place below the window sill at all times during operating hours.</p> <p>(4) An emergency exit window must have a place to land outside that is forty-eight inches or less below the window which may be either:</p> <p>(a) The ground; or</p> <p>(b) A deck, landing or platform constructed to meet current building codes.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-4575 Emergency exits from sleeping/napping areas. Each room used for sleeping or napping must have:</p> <p>(1) Interior doors leading to two separate emergency exit pathways; or</p> <p>(2) An emergency exit door leading directly to the exterior of the building; or</p> <p>(3) An interior door leading to an emergency exit pathway and an emergency exit window exiting to the exterior of the building. The emergency exit window must meet the requirements stated in WAC 170-296A-4550(3).</p>	<p>WAC 170-296A-4575 Emergency exits from areas used only for sleeping/napping areas. Each room used for sleeping or napping must have two ways to exit:</p> <p>(1) One exit must be an emergency exit door or emergency exit window leading directly to the exterior of the building;</p> <p>(2) The other exit may be an interior door leading to an emergency exit pathway.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-4650 Bathroom floors. (1) Floors in a bathroom or toileting area must have a washable surface and be resistant to moisture. The floor must be cleaned and sanitized daily or more often if needed.</p> <p>(a) If a bleach solution is used to sanitize, the solution must be one teaspoon of bleach to one gallon of cool water;</p> <p>(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions, including but not limited to quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(2) Removable rugs may be used in the bathroom. The rugs must be washed when soiled or at least weekly.</p>	<p>WAC 170-296A-4650 Bathroom floors. (1) Floors in a bathroom or toileting area must have a washable surface and be resistant to moisture. The floor must be cleaned and disinfected daily or more often if needed.</p> <p>(a) If a bleach solution is used to disinfect, the solution must be one tablespoon of chlorine bleach to one gallon of cool water;</p> <p>(b) If another disinfectant product is used, it must be used strictly according to manufacturer's label instructions, including but not limited to quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(2) Removable rugs may be used in the bathroom. The rugs must be laundered and sanitized at least weekly or more often if needed.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-4675 Bathroom sinks. A sink used for handwashing must be located in or next to bathrooms or other areas used for toileting. The sink must:</p> <p>(1) Have warm running water; and</p> <p>(2) Be of appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.</p>	<p>WAC 170-296A-4675 Bathroom sinks. A sink used for handwashing must be located in or next to bathrooms. The sink must:</p> <p>(1) Have warm running water; and</p> <p>(2) Be of appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
PETS	PETS AND OTHER ANIMALS
<p>WAC 170-296A-4800 Pet policy. A licensee who has a pet or pets must:</p> <p>(1) Inform children's parents and guardians that the licensee has a pet; and</p> <p>(2) Have a pet policy in the parent handbook that includes:</p> <p>(a) How children will have access to pets;</p> <p>(b) How children will be kept safe around pets;</p> <p>(c) Pet immunizations; and</p> <p>(d) Handling of pet waste.</p>	<p>WAC 170-296A-4800 Pet and animal policy. A licensee who has a pet or other animals on the premises must:</p> <p>(1) Inform children's parents and guardians that the licensee has a pet or other animals; and</p> <p>(2) Have a pet/animal policy in the parent handbook that includes:</p> <p>(a) How children will have access to pets or other animals;</p> <p>(b) How children will be kept safe around pets or other animals;</p> <p>(c) Pet or animal immunizations; and</p> <p>(d) Handling of pet or animal waste.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-4850 Pet health and safety. (1) Pets that have contact with children must:</p> <p>(a) Have current immunizations for communicable diseases;</p> <p>(b) Show no signs of disease, worms or parasites; and</p> <p>(c) Be nonaggressive.</p> <p>(2) Children and staff must wash their hands as required under WAC 170-296A-3625 after interacting with pets or handling pet toys or equipment.</p>	<p>WAC 170-296A-4850 Pet/animal health and safety. Pets or other animals that have contact with children must:</p> <p>(1) Have current immunizations for communicable diseases if applicable;</p> <p>(2) Show no signs of disease, worms or parasites; and</p> <p>(3) Be nonaggressive.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-4875 Pets interacting with children. The licensee:</p> <ul style="list-style-type: none"> (1) Must have a written plan to keep a pet inaccessible to the children if the pet is known to be dangerous or aggressive. (2) Must directly supervise, or instruct staff to directly supervise, children preschool age and younger when the children are interacting with pets. (3) Must make reptiles and amphibians inaccessible to the children due to the risk of Salmonella. 	<p>WAC 170-296A-4875 Pets or other animals interacting with children. The licensee:</p> <ul style="list-style-type: none"> (1) Or primary staff person must directly supervise, or instruct staff to directly supervise, children preschool age and younger when the children are interacting with pets or other animals. (2) Must have children and staff wash their hands as required under WAC 170-296A-3625 after interacting with pets or other animals, or after handling an animal's toys, bedding, litter or equipment. (3) Must have a written plan to keep a pet or other animal inaccessible to the children if the pet or animal is known to be dangerous or aggressive. (4) Must make reptiles and amphibians inaccessible to the children due to the risk of Salmonella. <p><i>[This section revised as a result of comments on the proposed rules and to clarify its requirements]</i></p>
<p>WAC 170-296A-4900 Pet wastes. The licensee must:</p> <ul style="list-style-type: none"> (1) Keep litter boxes inaccessible to the children. (2) Have a designated area outside the fenced licensed outdoor space for pets to relieve themselves. (3) Remove feces right away if an animal relieves itself in the outdoor licensed space. (4) Pet feces, urine, blood, or vomit when found in the indoor licensed space must be cleaned up immediately and the area sanitized. 	<p>WAC 170-296A-4900 Pet wastes. The licensee must:</p> <ul style="list-style-type: none"> (1) Keep litter boxes inaccessible to the children. (2) For pets that do not have an indoor litter area, have a designated area outside for pets to relieve themselves that is inaccessible to children in care. This area may not be counted in the licensed outdoor square footage under WAC 170-296A-4925. (3) Remove feces right away if an animal relieves itself in the outdoor licensed space. (4) Clean and disinfect the area immediately when a pet leaves feces, urine, blood, or vomit in the indoor licensed space. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-4925 Licensed outdoor space. (1) The licensee must provide a safe outdoor play area on the premises.</p> <ul style="list-style-type: none"> (a) The outdoor play space must contain seventy-five square feet of usable space per child for the number of children stated on the license. (b) If the premises does not have seventy-five square feet of available outdoor space per child, the licensee may provide an alternative plan, approved by the department, to meet the requirement for children to have daily outdoor play opportunities. (2) The licensed outdoor play space must be securely enclosed with a fence of a minimum height of four feet. When a fence has slats, openings between the slats must be no wider than three and one-half inches. (3) When the licensed outdoor play space is not adjacent to the home the licensee must: <ul style="list-style-type: none"> (a) Identify and use a safe route to and from licensed outdoor space that is approved by the department; and (b) Supervise the children at all times when passing between the licensed outdoor space and the home. (4) The licensee must provide a written plan, approved by the department, to make roadways and other dangers adjacent to the licensed outdoor play space inaccessible to children. 	<p>WAC 170-296A-4925 Licensed outdoor space. (1) The licensee must provide a safe outdoor play area on the premises.</p> <ul style="list-style-type: none"> (a) The outdoor play space must contain seventy-five square feet of usable space per child for the number of children stated on the license. (b) If the premises does not have seventy-five square feet of available outdoor space per child, the licensee may provide an alternative plan, approved by the department, to meet the requirement for all children in care to have daily opportunities for active outdoor play. (2) The licensed outdoor play space must be securely enclosed with a fence of a minimum height of four feet. When a fence has slats, openings between the slats must be no wider than three and one-half inches. (3) When the licensed outdoor play space is not adjacent to the home the licensee must: <ul style="list-style-type: none"> (a) Identify and use a safe route to and from the licensed outdoor space that is approved by the department; and (b) Supervise the children at all times when passing between the licensed outdoor space and the home. (4) The licensee must provide a written plan, approved by the department, to make roadways and other dangers adjacent to the licensed outdoor play space inaccessible to children. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-4950 Rails on platforms, decks, and stairs. (1) Platforms or decks (not including play equipment) used at any time for child care activities with a drop zone of more than eighteen inches must have guardrails in any area where there are no steps.</p> <p>(2) Outdoor stairs with four or more steps must have vertical slats (balusters) or a hand rail on at least one side. Openings between the slats must be no wider than three and one-half inches. This requirement does not apply to outdoor play equipment with stairs.</p>	<p>WAC 170-296A-4950 Rails on platforms, decks, and stairs. (1) Platforms or decks (not including play equipment) used at any time for child care activities with a drop zone of more than eighteen inches must have guardrails in any area where there are no steps.</p> <p>(2) Outdoor stairs with four or more steps must have slats (balusters) or a hand rail not higher than thirty inches high on at least one side. Openings between the slats must be no wider than three and one-half inches. This requirement does not apply to outdoor play equipment with stairs.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-4975 Outdoor supervision. (1) The licensee or primary staff person must be within sight and hearing range when children preschool age or younger are using the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.</p> <p>(2) The licensee or primary assistant must be within sight or hearing range of school age children when in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.</p> <p>(3) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space, except as provided in subsection (4) of this section.</p> <p>(4) A second staff person or assistant may engage in other child care activities temporarily as long as he or she is in sight or hearing range and is available and able to respond if the need arises for the safety of the children.</p>	<p><i>[WAC 170-296A-4975 is withdrawn and its content incorporated into WAC170-296A-5750]</i></p>
<p>WAC 170-296A-5000 Play equipment. (1) The licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.</p> <p>(2) Play equipment must be arranged so that it does not interfere with other play equipment when in use.</p> <p>(3) The licensee must install or assemble play equipment according to manufacturer specifications, and keep specifications on file for review by the licensor.</p>	<p>WAC 170-296A-5000 Play equipment. (1) The licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. The licensee must inspect play equipment at least weekly for injury hazards, broken parts, or damage. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.</p> <p>(2) Play equipment must be arranged so that it does not interfere with other play equipment when in use.</p> <p>(3) The licensee must install or assemble new play equipment acquired after March 31, 2012, according to manufacturer specifications, and keep specifications on file for review by the licensor.</p> <p>(4) For used or "hand-made" play equipment, or for play equipment acquired and installed prior to March 31, 2012, the licensee must assemble the equipment in a manner that provides a safe play experience for the children.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-5025 Outdoor physical activities. The licensee must have an outdoor play area that promotes a variety of age and developmentally appropriate physical activities for the children in care.</p>	<p>WAC 170-296A-5025 Outdoor physical activities. The licensee must have an outdoor play area that promotes a variety of age and developmentally appropriate active play for the children in care.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-5050 Bouncing equipment prohibited. The licensee must not use or allow the use of bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment. This requirement does not apply to bounce balls with handles for use by individual children.</p>	<p>WAC 170-296A-5050 Bouncing equipment prohibited. The licensee must not use or allow the use of bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment. This requirement does not apply to bounce balls with or without handles for use by individual children.</p> <p><i>[This section revised for clarity]</i></p>
<p>WAC 170-296A-5075 Ground cover--Fall zones. (1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children.</p> <p>(2) The ground under play equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable ground cover material under swings or play equipment intended to be climbed.</p> <p>(3) A six-foot fall zone must surround all equipment that has a platform over forty-eight inches tall that is intended to be climbed.</p> <p>(4) The fall zone area must extend at least six feet beyond the perimeter of the equipment. For swings, the area must extend six feet from the furthest arc of the swing.</p> <p>(5) Swings must be positioned so that the furthest arc of the swing is at least ten feet from a fence, building or other play equipment.</p>	<p>WAC 170-296A-5075 Playground equipment--Ground cover--Fall zones. (1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children.</p> <p>(2) The ground under swings and play equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable ground cover material under swings or play equipment intended to be climbed. Acceptable ground cover includes:</p> <ul style="list-style-type: none"> (a) Pea gravel - At least nine inches deep; (b) Playground wood chips - At least nine inches deep; (c) Shredded recycled rubber - At least six inches deep; <p>or</p> <ul style="list-style-type: none"> (d) Other department approved material. <p>(3) A six-foot fall zone must surround all equipment that has a platform over forty-eight inches tall that is intended to be climbed.</p> <p>(4) The fall zone area must extend at least six feet beyond the perimeter of the play equipment. For swings, the fall zone must be the distance to the front and rear of the swing set equal to or greater than twice the height of the top bar from which the swing is suspended.</p> <p>(5) Swing sets must be positioned further away from structures to the front and rear of the swing set. The distance to the front and rear of the swing set from any playground equipment or other structure must be the distance equal to or greater than twice the height of the top bar from which the swing is suspended.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
	WATER SAFETY
<p>WAC 170-296A-5150 Water activity--Supervision. (1) Unless attending a swimming or water play activity, when outside the licensed premises the licensee must keep children from having access to bodies of water that pose a drowning hazard.</p> <p>(2) When the licensee takes children near a body of water outside the licensed premises that is accessible and more than four inches deep, there must be:</p> <ul style="list-style-type: none"> (a) A certified lifeguard on duty; or (b)(i) One additional staff member more than the required staff-to-child ratio as provided in WAC 170-296A-5700 to help with the children; and (ii) At least one staff person in attendance must be able to swim. 	<p>WAC 170-296A-5150 Water activity--Supervision. When children in care are attending a swimming or water play activity outside the licensed premises:</p> <ul style="list-style-type: none"> (1) The licensee must have written permission from each child's parent or guardian; (2) There must be a certified lifeguard on duty; and (3) When infants or toddlers are in water depth that is: <ul style="list-style-type: none"> (a) Twenty-four inches or less, the licensee or staff must stay within reach of infants or toddlers; or (b) Greater than twenty-four inches, the licensee must provide one-to-one staff-to-child ratio for each infant or toddler. Staff must hold or be in constant touch contact with each infant or toddler. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-5175 Wading pools--Defined--Supervision. (1) A wading pool:</p> <ul style="list-style-type: none"> (a) Is an enclosed pool with water depth of two feet or less measured without children in the pool; and (b) Can be emptied and moved. <p>(2) When a wading pool on the premises is intended for use by the children, the licensee must:</p> <ul style="list-style-type: none"> (a) Directly supervise or have a primary staff person directly supervise the children; (b) Obtain written permission from each child's parent or guardian to allow the child to use a wading pool; (c) Maintain staff-to-child ratios when children are in a wading pool; (d) Keep infants or toddlers in the wading pool within reach of the licensee or staff; (e) Use a door alarm or bell to warn staff that children are entering the outdoor area when pool water could be accessed, or keep the wading pool empty when not in use; and (f) Empty, clean and sanitize the pool daily or immediately if the pool is soiled with urine, feces, vomit, or blood: (i) If a bleach solution is used to sanitize, the solution must be one teaspoon of bleach to one gallon of cool water; (ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry. 	<p>WAC 170-296A-5175 Wading pools--Defined--Supervision. (1) A wading pool:</p> <ul style="list-style-type: none"> (a) Is an enclosed pool with water depth of two feet or less measured without children in the pool; and (b) Can be emptied and moved. <p>(2) When a wading pool on the premises is intended for use by the children, the licensee must:</p> <ul style="list-style-type: none"> (a) Directly supervise or have a primary staff person directly supervise the children; (b) Obtain written permission from each child's parent or guardian to allow the child to use a wading pool; (c) Maintain staff-to-child ratios when children are in a wading pool; (d) Keep infants or toddlers in the wading pool within reach of the licensee or staff; (e) Use a door alarm or bell to warn staff that children are entering the outdoor area when pool water could be accessed, or keep the wading pool empty when not in use; (f) Empty the pool daily; and (g) Clean and disinfect the pool daily or immediately if the pool is soiled with urine, feces, vomit, or blood: (i) If a bleach solution is used to disinfect, the solution must be one tablespoon of chlorine bleach to one gallon of cool water; (ii) If another disinfectant product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-5200 Swimming pools defined--Barriers and supervision. (1) A swimming pool is a pool that has a water depth greater than two feet.</p> <p>(2) When there is a swimming pool on the premises the licensee must:</p> <ul style="list-style-type: none"> (a) Have a five-foot high fence that blocks access to the swimming pool; (b) Lock the entrance and exit points to the swimming pool; (c) Have an unlocking device that is inaccessible to children but readily available to the licensee or staff; (d) Maintain the swimming pool according to manufacturer's specifications; and (e) Clean and sanitize the swimming pool using the manufacturer's specifications. <p>(3) When the swimming pool on the premises is used by the children the licensee must:</p> <ul style="list-style-type: none"> (a) Obtain written permission from each child's parent or guardian to allow the child to use the swimming pool; (b) Have one person present at the swimming pool with lifeguard training; (c) Provide a one-to-one staff-to-child ratio for infants or toddlers in the swimming pool. Staff must hold or be in constant touch contact with infants or toddlers in the swimming pool; and 	<p>WAC 170-296A-5200 Swimming pools defined--Barriers and supervision. (1) A swimming pool is a pool that has a water depth greater than two feet.</p> <p>(2) When there is a swimming pool on the premises the licensee must provide:</p> <ul style="list-style-type: none"> (a) A door alarm or bell on each door opening to the pool area to warn staff when the door is opened; (b) A five-foot high fence that blocks access to the swimming pool. When the fence has slats the openings between slats must not be wider than three and one-half inches wide; (c) Gates with a self-latching device at entrance and exit points to the swimming pool and lock each gate; and (d) An unlocking device that is inaccessible to children but readily available to the licensee or staff. <p>(3) The licensee must maintain the swimming pool according to manufacturer's specifications, including cleaning and sanitizing.</p> <p>(4) When the swimming pool on the premises is used by the children:</p> <ul style="list-style-type: none"> (a) The licensee must obtain written permission from the parent or guardian of each child using the swimming pool; (b) One person present at the swimming pool must have lifeguard training; (c) The licensee must provide: (i) One additional staff person more than the required staff-to-child ratio than provided in WAC 170-296A-5700 to help

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<p>(d) Provide one additional staff person more than the required staff-to-child ratio as provided in WAC 170-296A-5700 to help supervise children other than infants or toddlers.</p>	<p>supervise children preschool age and older;</p> <p>(ii) A one-to-one staff-to-child ratio for infants or toddlers in the swimming pool;</p> <p>(d) Staff must hold or be in constant touch contact with infants or toddlers in the swimming pool; and</p> <p>(e) Children in diapers or toilet training must wear swim pants to lower the risk of contaminating the water.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-5225 Bodies of water or water hazards on the licensed premises. (1)(a) As used in WAC 170-296A-5150 through 170-296A-5250, a "body of water" is a natural area or man-made area or device that contains or holds more than two inches of water.</p> <p>(b) "Body of water" does not include a wading pool as defined in WAC 170-296A-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.</p> <p>(2) When children are in care the licensee must:</p> <p>(a) Make any body of water in the licensed space inaccessible with a fence or a physical barrier that is at least five feet tall, except as provided in subsection (c) of this section;</p> <p>(b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water;</p> <p>(c) Make hot tubs, spas, or jet tubs inaccessible with a tub cover that is locked; and</p> <p>(d) Not use five gallon buckets or similar containers for infant or toddler water play.</p>	<p>WAC 170-296A-5225 Bodies of water or water hazards on the licensed premises. (1)(a) As used in WAC 170-296A-5150 through 170-296A-5250, a "body of water" is a natural area or man-made area or device that contains or holds more than two inches of water.</p> <p>(b) "Body of water" does not include a wading pool as defined in WAC 170-296A-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.</p> <p>(2) When children are in care the licensee must:</p> <p>(a) Make any body of water in the licensed space inaccessible with a physical barrier (not to include a hedge or vegetation barrier) or fence that is at least five feet tall, except as provided in subsection (c) of this section. When a fence has slats or open grids, openings must not be wider than three and one-half inches;</p> <p>(b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water;</p> <p>(c) Make hot tubs, spas, or jet tubs inaccessible with a tub cover that is locked; and</p> <p>(d) Not use five gallon buckets or similar containers for infant or toddler water play.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-5250 Safety plan for bodies of water outside and near licensed space. The licensee must make the following bodies of water inaccessible to children in care, and have a written safety plan approved by the department for:</p> <p>(1) Bodies of water, including ditches, located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or</p> <p>(2) Any uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards that are on the premises.</p>	<p>WAC 170-296A-5250 Bodies of water outside and near licensed space. (1) The licensee must make the following bodies of water inaccessible to children in care, and have a written safety plan approved by the department for:</p> <p>(a) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or</p> <p>(b) Any uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards that are on the premises.</p> <p>(2) Unless attending a swimming or water play activity, when outside the licensed premises the licensee or staff must keep children from having access to bodies of water that pose a drowning hazard.</p> <p>(3) When the licensee or primary staff person takes children near a body of water outside the licensed premises and children have access to a body of water that is more than four inches deep, there must be:</p>

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	<p>(a) One additional staff person more than the required staff-to-child ratio provided in WAC 170-296A-5700 to help with the children; and</p> <p>(b) At least one staff person in attendance must be able to swim.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-5550 Birth through twelve years license. (1) The department issues a full license for the licensee to care for not more than twelve children birth through twelve years of age.</p> <p>(2) The department may issue a full licensee for fewer than twelve children if the total square footage of licensed indoor or outdoor space is less than the minimum square footage required to care for twelve children.</p> <p>(3) If the licensee has less than one year of child care experience, the department may issue an initial license limited to:</p> <p>(a) Caring for not more than six children; or</p> <p>(b) Caring for children older than eighteen months of age and walking independently.</p> <p>(4) See the table in WAC 170-296A-5700 for the number and ages of children a licensee may care for and the staff-to-child ratios required based on the licensee's experience and staffing levels.</p>	<p>WAC 170-296A-5550 Birth through twelve years license. (1) The department issues an initial license or nonexpiring full license for the licensee to care for not more than twelve children birth through twelve years of age.</p> <p>(2) The department may issue an initial license or nonexpiring full license for fewer than twelve children if the total square footage of licensed indoor or outdoor space is less than the minimum square footage required to care for twelve children.</p> <p>(3) If the licensee has less than one year of child care experience, the department may issue an initial license limited to:</p> <p>(a) Caring for not more than six children; or</p> <p>(b) Caring for children older than eighteen months of age and walking independently.</p> <p>(4) See the table in WAC 170-296A-5700 for the number and ages of children a licensee may care for and the staff-to-child ratios required based on the licensee's experience and staffing levels.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-5625 Capacity. The licensee must not exceed the total number or ages of children in care (capacity) stated on the child care license.</p>	<p>WAC 170-296A-5625 Capacity and ratio. (1) The licensee must not exceed the total number or ages of children in care (capacity) stated on the child care license.</p> <p>(2) All children in care through twelve years of age in attendance on the premises or being transported by the licensee or staff or a household member are counted in capacity.</p> <p>(3) Any child within the age range on the license count in ratio, including the licensee's own children, children of staff, or visiting children who are not accompanied by an adult.</p> <p>(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-296A-0050 if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in ratio.</p> <p>(5) If an individual child with special needs requires individualized supervision, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.</p> <p><i>[This section incorporates content from withdrawn WAC 170-296A-5650, and is revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-5650 Children counted in ratio and capacity. (1) Children enrolled in the child care program count in ratio through twelve years of age.</p> <p>(2) All children through twelve years of age in attendance on the premises or being transported by the licensee or staff are counted in the total number of children in the licensee's care.</p> <p>(3) Any child within the age range on the license count in ratio, including licensee's own children, staff's own children or visiting children who are not accompanied by an adult.</p> <p>(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-296A-6725 if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in ratio.</p> <p>(5) If an individual child with special needs requires individualized supervision, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.</p>	<p><i>[Proposed WAC 170-296A-5650 is withdrawn and its content moved to WAC 170-296A- 5625]</i></p>
<p>WAC 170-296A-5700 Capacity and ratio table – Birth through twelve year old license.</p>	<p>WAC 170-296A-5700 [The table in this section revised for clarity – see changes following table 3]</p>
<p>WAC 170-296A-5750 Supervising staff. When the licensee or primary staff are supervising staff, they must be:</p> <p>(1) Aware of what staff are doing; and</p> <p>(2) Available and able to promptly assist to protect the health and safety of children in care.</p>	<p>WAC 170-296A-5750 Supervision.</p> <p>Supervising children.</p> <p>(1) The licensee must provide required staffing levels, staff-to-child ratios and supervision for the number of children in attendance.</p> <p>(2) The licensee or primary staff person must be aware of what the children are doing at all times and be available and able to promptly assist or redirect activities when necessary. If unable to see the children, the licensee or primary staff person must frequently go to the area where the children are located to check on them. For the purposes in this section frequently is defined as on many occasions with little time between them.</p> <p>(3) The licensee must consider the following when deciding how closely to supervise the children:</p> <ul style="list-style-type: none"> (a) Ages of the children; (b) Individual differences and abilities; (c) Layout of the indoor and outdoor licensed space and play area; (d) The risk associated with the activities children are engaged in; and (e) Any nearby hazards including those in the licensed or unlicensed space. <p>(4) A baby monitor or video monitor must not be used in place of direct supervision of the children.</p> <p>Additional requirements when the children are indoors.</p> <p>(5) The licensee or primary staff person must be within sight or hearing range when children are indoors and be available and able to respond if the need arises for the safety of the children.</p> <p>(6) When children are present on more than one level (floor) of the home, the licensee or primary staff person must be</p>

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	<p>supervising the children on each level and maintain required staff-to-child ratios. Each level of the home used by the children must be licensed space.</p> <p>Additional requirements when children are outdoors.</p> <p>(7) The licensee or primary staff person must be within sight and hearing range when children preschool age or younger are using the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.</p> <p>(8) The licensee or primary staff person must be within sight or hearing range of school age children when in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.</p> <p>(9) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space, except as provided in subsection (10) of this section.</p> <p>(10) Except when children in care are using a wading pool or swimming pool, a second staff person or assistant may engage in other child care activities temporarily as long as he or she is in sight or hearing range and is available and able to respond if the need arises for the safety of the children.</p> <p>(11) See:</p> <p>(a) WAC 170-296A-5150 for additional supervision requirements when children are engaged in an off-site waterplay or swimming activity;</p> <p>(b) WAC 170-296A-5175 for additional supervision requirements when children are using a wading pool; and</p> <p>(c) WAC 170-296A-5200 for additional supervision requirements when children are using a swimming pool.</p> <p>Supervising staff.</p> <p>(12) When the licensee or primary staff person is supervising staff, he or she must be:</p> <p>(a) Aware of what staff are doing; and</p> <p>(b) Available and able to respond if the need arises to protect the health and safety of children in care.</p> <p>(13) See WAC 170-296A-1925 for additional supervision requirements for assistants and volunteers.</p> <p><i>[This section revised as a result of comments on the proposed rules and to consolidate supervision requirements in several proposed sections for clarity]</i></p>

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<p>WAC 170-296A-5775 Licensee absence. (1) The licensee must have a written policy and procedure for staff to follow any time the licensee is absent from the child care. The policy and procedure must include, but is not limited to:</p> <ul style="list-style-type: none"> (a) A staffing plan to include: <ul style="list-style-type: none"> (i) That qualified primary staff will be present and in charge at all times during the licensee's absence; (ii) Staff roles and responsibilities; (iii) How staff-to-child ratios will be met; and (iv) How staff will meet the individual needs of children in care; (b) How parents will be notified in writing of the licensee's absence; (c) Responsibility for meeting the requirements of this chapter and chapter 43.215 RCW; (d) Emergency contact information for the licensee; and (e) Licensee's expected outside work schedule if applicable. <p>(2) The department must approve the licensee's plan. The department may require modifications to the proposed plan if it does not meet licensing requirements.</p> <p>(3) Prior to engaging in employment or ongoing activities outside of the child care home during child care hours the licensee must inform the department in writing.</p>	<p>WAC 170-296A-5775 Licensee absence. (1) The licensee must have a written policy and procedure for staff to follow any time the licensee is absent from the child care. The policy and procedure must include, but is not limited to:</p> <ul style="list-style-type: none"> (a) A staffing plan to include: <ul style="list-style-type: none"> (i) That a qualified primary staff person will be present and in charge at all times during the licensee's absence; (ii) Staff roles and responsibilities; (iii) How staff-to-child ratios will be met; and (iv) How staff will meet the individual needs of children in care; (b) How parents will be notified in writing of the licensee's absence described in WAC 170-296A-5810(1), closures, or staffing changes; (c) Responsibility for meeting the requirements of this chapter and chapter 43.215 RCW; (d) Emergency contact information for the licensee; and (e) Licensee's expected outside work schedule if applicable. <p>(2) Prior to engaging in outside employment or ongoing activities outside the child care during operating hours, the licensee must inform the department in writing.</p> <p>(3) The department must approve the licensee's policy and procedure for licensee absence. The department may require modifications to the proposed policy and procedure if it does not meet licensing requirements.</p> <p><i>[This section revised as a result of comments on the proposed rules and incorporates content from withdrawn WAC 170-296A-5900]</i></p>
<p>WAC 170-296A-5800 Orientation for staff. The licensee must provide an orientation to all staff on licensing standards in this chapter, including the licensee's policies and procedures, and document when the training occurred and identify staff that received the training.</p>	<p><i>The content of proposed WAC 170-296A-5800 merged with 5825.</i></p>
<p>WAC 170-296A-5825 Licensee absence--Retraining for staff if standards are violated. If the department issues a facility license compliance agreement as a result of staff not following the licensing standards of this chapter in the licensee's absence, the licensee must:</p> <ul style="list-style-type: none"> (1) Retrain the staff on the licensing standards in this chapter; and (2) Document that the retraining occurred. 	<p>WAC 170-296A-5825 Licensee absence--Retraining for staff if standards are violated. (1) The licensee must provide an orientation to all staff on licensing standards in this chapter, including the licensee's policies and procedures, and document when the training occurred and identify staff that received the training.</p> <p>(2) If the department issues a facility license compliance agreement as a result of staff not following the licensing standards of this chapter in the licensee's absence, the licensee must:</p> <ul style="list-style-type: none"> (a) Retrain the staff on the licensing standards in this chapter; and (b) Document that the retraining occurred. <p><i>[This section revised to incorporate content from withdrawn WAC 170-296A-5800 for clarity]</i></p>

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<p>WAC 170-296A-5850 Licensee notice of absences. (1) The licensee must notify the department forty-eight hours prior to the following absences during child care hours:</p> <ul style="list-style-type: none"> (a) Outside employment; (b) Vacation or absence exceeding seven consecutive days when the child care will remain open; or (c) Regularly scheduled absences during child care hours. <p>(2) The licensee must inform the department of the following regarding the licensee's absence:</p> <ul style="list-style-type: none"> (a) Time period of the absence; (b) Written plan including who will be left in charge of the child care; (c) Contact information for licensee; and (d) How parents will be informed prior to the absence. 	<p>WAC 170-296A-5810 Licensee notice of absences. (1) The licensee must notify the department forty-eight hours prior to the following absences when the absence is during child care hours:</p> <ul style="list-style-type: none"> (a) Outside employment; (b) Vacation or absence exceeding seven consecutive days when the child care will remain open; or (c) Regular absences scheduled during child care hours. As used in this section, "regular absence" is an absence that is planned and reoccurring, and is more than four hours duration. <p>(2) The licensee must inform the department of the following regarding the licensee's absence:</p> <ul style="list-style-type: none"> (a) Time period of the absence; (b) Written plan including who will be left in charge of the child care. See WAC 170-296A-5775; (c) Contact information for licensee; and (d) How parents will be informed prior to the absence. <p><i>[This section renumbered as WAC 170-296A-5810 for more logical order. The definition of "regular absence" was added as a result of comments on the proposed rule. This definition was recommended by the negotiated rule making team]</i></p>
<p>WAC 170-296A-5875 Notifying parents of closures, absences, staff changes. The licensee must notify parents in writing of:</p> <ul style="list-style-type: none"> (1) Closures; (2) Licensee's potential absences; and (3) Staffing changes. 	<p><i>[Proposed WAC 170-296A-5875 is withdrawn and its content incorporated into WAC 170-296A-5775]</i></p>
<p>WAC 170-296A-5900 Notifying the licensor regarding the licensee's absence. The licensee or another person must notify the licensor:</p> <ul style="list-style-type: none"> (1) Of the licensee's emergency absence, as soon as possible and not later than twenty-four hours after the start of the emergency absence; or (2) When the licensee's physical or mental health prevents the licensee from providing direct care as required by this chapter. 	<p><i>[Proposed WAC 170-296A-5900 is withdrawn and its content incorporated into WAC 170-296A-2275]</i></p>
<p>WAC 170-296A-6000 Interactions with children. The licensee and staff members must:</p> <ul style="list-style-type: none"> (1) Demonstrate positive interactions when children are present; (2) Interact with children through listening and responding to what the children have to say; (3) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way. Explain actions, even to very young babies; (4) Treat each child with consideration and respect; (5) Appropriately hold, touch and smile at children; (6) Speak to the children at their eye level when possible and appropriate; (7) Be responsive to children, encouraging them to share experiences, ideas and feelings; (8) Respond to and investigate cries or other signs of distress immediately; (9) Perform age or developmentally appropriate nurturing activities that: <ul style="list-style-type: none"> (a) Take into consideration the parent's own nurturing practices; 	<p>WAC 170-296A-6000 Interactions with children. The licensee and staff members must:</p> <ul style="list-style-type: none"> (1) Demonstrate positive interactions with children and other adults when children are present; (2) Interact with children through listening and responding to what the children have to say; (3) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way. Explain actions, even to very young babies; (4) Treat each child with consideration and respect; (5) Appropriately hold, touch and smile at children; (6) Speak to the children at their eye level when possible and appropriate; (7) Be responsive to children, encouraging them to share experiences, ideas and feelings; (8) Respond to and investigate cries or other signs of distress immediately; (9) Perform age or developmentally appropriate nurturing activities that: <ul style="list-style-type: none"> (a) Take into consideration the parent's own nurturing practices;

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<p>(b) Promote each child's learning self-help and social skills; and</p> <p>(c) Stimulate the child's development.</p> <p>(10) Provide each child opportunities for vocal expression. Adult voices must not always dominate the overall sound of the group.</p>	<p>(b) Promote each child's learning self-help and social skills; and</p> <p>(c) Stimulate the child's development.</p> <p>(10) Provide each child opportunities for vocal expression; and</p> <p>(11) Adult voices must not always dominate the overall sound of the group.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6025 Prohibited interactions. In the presence of the children in care the licensee and staff must not:</p> <p>(1) Use profanity, obscene language, "put downs," or cultural or racial slurs;</p> <p>(2) Have angry or hostile interactions;</p> <p>(3) Use name calling or make derogatory, shaming or humiliating remarks; or</p> <p>(4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to:</p> <p>(a) Spanking children;</p> <p>(b) Biting, jerking, kicking, hitting, or shaking;</p> <p>(c) Pulling hair;</p> <p>(d) Pushing, shoving or throwing a child; or</p> <p>(e) Inflicting pain or humiliation as a punishment.</p>	<p>WAC 170-296A-6025 Prohibited interactions. In the presence of the children in care the licensee and staff must not or allow others to:</p> <p>(1) Use profanity, obscene language, "put downs," or cultural or racial slurs;</p> <p>(2) Have angry or hostile interactions;</p> <p>(3) Use name calling or make derogatory, shaming or humiliating remarks; or</p> <p>(4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to:</p> <p>(a) Spanking children;</p> <p>(b) Biting, jerking, kicking, hitting, or shaking;</p> <p>(c) Pulling hair;</p> <p>(d) Pushing, shoving or throwing a child; or</p> <p>(e) Inflicting pain or humiliation as a punishment.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6125 Preventing harmful or aggressive acts. The licensee and staff must:</p> <p>(1) Take steps to protect children from the harmful acts of other children; and</p> <p>(2) Immediately intervene when a child becomes physically aggressive.</p>	<p>WAC 170-296A-6125 Harmful or aggressive acts of children. The licensee and staff must:</p> <p>(1) Take steps to protect children from the harmful acts of other children; and</p> <p>(2) Immediately intervene when a child becomes physically aggressive.</p> <p><i>[The title of this section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6150 Prohibited actions. The licensee, staff or a household member must not:</p> <p>(1) Restrict a child's breathing;</p> <p>(2) Deprive a child of:</p> <p>(a) Sleep, food, clothing or shelter;</p> <p>(b) Needed first aid; or</p> <p>(c) Required or emergency medical or dental care;</p> <p>(3) Interfere with a child's ability to take care of his or her own hygiene and toileting needs; or</p> <p>(4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.</p>	<p>WAC 170-296A-6150 Prohibited actions. The licensee or staff must not or allow others to:</p> <p>(1) Restrict a child's breathing;</p> <p>(2) Deprive a child of:</p> <p>(a) Sleep, food, clothing, shelter, or physical activity;</p> <p>(b) Needed first aid; or</p> <p>(c) Required or emergency medical or dental care;</p> <p>(3) Interfere with a child's ability to take care of his or her own hygiene and toileting needs; or</p> <p>(4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-6250 Notice and documenting use of physical restraint. If physical restraint is used the licensee must:</p> <ul style="list-style-type: none"> (1) Report use of physical restraint to the child's parent or guardian and the department as required under WAC 170-296A-2250; (2) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; (3) Document the incident in the child's file; and (4) Develop a safety plan with the licensor if required by the department. 	<p>WAC 170-296A-6250 Notice and documenting use of physical restraint. (1) If physical restraint is used the licensee must, within twenty four hours:</p> <ul style="list-style-type: none"> (a) Report the use of physical restraint to the child's parent or guardian and the department as required under WAC 170-296A-2250; (b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and (c) Document the incident in the child's file, including what happened before, during and after the child was restrained. <p>(2) The licensee must develop a safety plan with the licensor if required by the department.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6400 Off-site activities--Parent or guardian permission. The licensee must:</p> <ul style="list-style-type: none"> (1) Have written permission from the parent or guardian prior to the child engaging in off-site activities. The written permission must be kept in the child's file. (2) Have a separate permission for activities that occur less often than once per calendar month. (3) Inform parents of planned off-site activities at least twenty-four hours before the activity. 	<p>WAC 170-296A-6400 Off-site activities--Parent or guardian permission. (1) The licensee must:</p> <ul style="list-style-type: none"> (a) Have written permission from the parent or guardian prior to the child engaging in off-site activities. The written permission must be kept in the child's file. (b) Have a separate permission for activities that occur less often than once per calendar month. <p>(2) For scheduled or unscheduled off-site activities that may occur more than once a month, the licensee must:</p> <ul style="list-style-type: none"> (a) Have a signed parent or guardian permission on file for each child; and (b) Inform parents and guardians about how to contact the licensee when children are on an off-site activity. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6450 Off-site activity--Emergency information and supplies. When on an off-site activity, the licensee must have available:</p> <ul style="list-style-type: none"> (1) An emergency consent form for each child that includes: <ul style="list-style-type: none"> (a) Emergency contact information; (b) Permission to obtain medical treatment for the child in the event of a medical emergency; (c) A list of the child's allergies, if applicable; and (d) Permission to administer medications, if applicable. (2) A working cellular phone or other telecommunication device, and inform parents how to contact the licensee or staff; and (3) Emergency supplies, including: <ul style="list-style-type: none"> (a) A first aid kit; and (b) Each child's required medication or emergency medicine, if applicable 	<p>WAC 170-296A-6450 Off-site activity--Emergency information and supplies. When on an off-site activity, the licensee must have available:</p> <ul style="list-style-type: none"> (1) An emergency consent form for each child that includes: <ul style="list-style-type: none"> (a) Emergency contact information; (b) Permission to obtain medical treatment for the child in the event of a medical emergency; (c) A list of the child's allergies, if applicable; (d) Permission to administer medications, if applicable; and (2) Emergency supplies, including: <ul style="list-style-type: none"> (a) A first aid kit; and (b) Each child's required medication or emergency medicine, if applicable. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6575 Activities to promote child growth and development. The licensee must provide activities that support each child's growth and development including:</p> <ul style="list-style-type: none"> (1) Social, emotional and self development; (2) Positive self concepts; (3) Language and literacy; (4) Physical development, including daily 	<p>WAC 170-296A-6575 Activities to promote child growth and development. The licensee must provide activities that support each child's developmental stage including:</p> <ul style="list-style-type: none"> (1) Social, emotional and self development; (2) Positive self concepts; (3) Language and literacy; (4) Physical development, including daily opportunities

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<p>opportunities to develop the child's small and large muscles; (5) Spatial concepts (for example: size, position); and (6) Numeracy (counting and numbers).</p>	<p>to develop the child's small and large muscles; (5) Spatial concepts (including but not limited to size or position); and (6) Numeracy (counting and numbers).</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6600 Toys and play materials. The licensee must provide toys, objects, and other play materials that are:</p> <ul style="list-style-type: none"> (1) Washable and clean; (2) Nonpoisonous; and (3) Large enough to avoid swallowing or choking for infants and toddlers, or children at those developmental levels. 	<p>WAC 170-296A-6600 Toys and play materials. The licensee must provide toys, objects, and other play materials that are:</p> <ul style="list-style-type: none"> (1) Washable and clean; (2) Nonpoisonous or free of toxins; and (3) For infants, toddlers, or children at those developmental levels, large enough to avoid swallowing or choking. <p><i>[This section revised for clarity]</i></p>
<p>WAC 170-296A-6625 Art materials. (1) All art materials used by children under the age of three must be labeled nontoxic.</p> <p>(2) Art materials without a nontoxic designation may be used by children age three years or older, and must be used under direct supervision and according to the manufacturer's label.</p>	<p>WAC 170-296A-6625 Art materials. (1) All prepackaged art materials used in the family home child care must be labeled "nontoxic" and as conforming to or meeting "ASTM D-4236." This does not apply to food items used as art materials, bulk paper, or items from the natural environment.</p> <p>(2) Infants, toddlers, and preschool age children must be closely supervised when using art materials.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6650 Screen time. If the licensee or staff provide screen time for children in care, the screen time must:</p> <ul style="list-style-type: none"> (1) Be developmentally and age appropriate; (2) Have child-appropriate content; and (3) Not have violent or adult content. 	<p>WAC 170-296A-6650 Screen time. If the licensee or staff provide screen time for children in care, the screen time must:</p> <ul style="list-style-type: none"> (1) Be educational, and developmentally and age appropriate; (2) Have child-appropriate content; and (3) Not have violent or adult content. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6725 Special needs accommodations. The provisions of this section apply to any requirement in this chapter.</p> <p>(1) The department may approve accommodations to requirements in these standards for the special needs of an individual child when:</p> <ul style="list-style-type: none"> (a) The licensee submits to the department a written plan, signed by the parent or guardian, that describes how the child's needs will be met in the licensed child care; and (b) The licensee has supporting documentation of the child's special needs provided by a licensed or certified: <ul style="list-style-type: none"> (i) Physician or physician's assistant; (ii) Mental health professional; (iii) Education professional; (iv) Social worker with a bachelor's degree or higher degree with a specialization in the individual child's needs; or (v) Registered nurse or advanced registered nurse practitioner. <p>(2) The documentation described in subsection (1) of this section must be in the form of an:</p> <ul style="list-style-type: none"> (a) Individual education plan (IEP); (b) Individual health plan (IHP); or (c) Individual family plan (IFP). <p>(3) The licensee's written plan and all documentation</p>	<p><i>[The entire content of this section was moved to 170-296A-0050 without change]</i></p>

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<p>required under this section must be kept in the child's file and a copy submitted to the department.</p> <p>(4) See WAC 170-296A-5625 regarding supervision, capacity, and staff-to-child ratios for children with documented special needs.</p>	
<p>WAC 170-296A-6775 Diversity. The licensee must:</p> <p>(1) Provide an environment that reflects each child's daily life, family culture and language.</p> <p>(2) Describe or demonstrate to the licensor, or have a written plan for how:</p> <p>(a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and</p> <p>(b) The child care environment reflects the diversity in society.</p>	<p>WAC 170-296A-6775 Diversity. The licensee must:</p> <p>(1) Provide an environment that reflects each child's daily life, family culture and language, and the diversity in society.</p> <p>(2) Describe or demonstrate to the licensor, or have a written plan for how:</p> <p>(a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and</p> <p>(b) The child care environment reflects the diversity in society.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6800 Rest periods. (1) The licensee must offer a daily supervised rest period for children.</p> <p>(2) The supervised rest period must be:</p> <p>(a) Offered to all children five years of age and younger who remain in care more than six hours;</p> <p>(b) Offered to any child who shows a need for rest; and</p> <p>(c) A minimum of thirty minutes but not more than two hours, unless the child is under twenty-four months old.</p> <p>(3) The licensee must:</p> <p>(a) Not force a child to sleep;</p> <p>(b) Provide quiet activities for the children who do not require rest. These activities must be offered with a minimum of disruption to sleeping children; and</p> <p>(c) Communicate with the parent or guardian about the child's sleep needs and patterns.</p> <p>(4) See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.</p>	<p>WAC 170-296A-6800 Rest periods. (1) The licensee must offer a daily supervised rest period for children.</p> <p>(2) The supervised rest period must be:</p> <p>(a) Offered to all children five years of age and younger who remain in care more than six hours per day; and</p> <p>(b) Offered to any child who shows a need for rest.</p> <p>(3) The licensee must:</p> <p>(a) Not force a child to sleep;</p> <p>(b) Provide quiet activities for the children who do not require rest. These activities must be offered with a minimum of disruption to sleeping children;</p> <p>(c) Communicate with the parent or guardian about the child's sleep needs and patterns; and</p> <p>(d) Allow infants and toddlers to follow individual sleep patterns.</p> <p>(4) See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-6850 Overnight care. If the licensee provides overnight child care:</p> <p>(1) The licensee or primary staff person must be awake until all children in care are asleep;</p> <p>(2) The licensee or a primary staff person must be on the same level of the home as the children in care;</p> <p>(3) The licensee or primary staff person must maintain required staff-to-child ratios; and</p> <p>(4) The daily schedule under WAC 170-296A-6550 must include evening or overnight care.</p> <p>See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.</p> <p>See WAC 170-296A-4400 and 170-296A-4425 regarding door alarms, night latches, deadbolts, and security chains.</p>	<p>WAC 170-296A-6850 Overnight care. The licensee must be approved by the department to provide overnight care. If the licensee provides overnight child care:</p> <p>(1) The licensee or primary staff person must be awake until all children in care are asleep;</p> <p>(2) The licensee or a primary staff person must be on the same level of the home as the children in care;</p> <p>(3) The licensee or primary staff person must maintain required staff-to-child ratios; and</p> <p>(4) The daily schedule under WAC 170-296A-6550 must include evening or overnight care.</p> <p>See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.</p> <p>See WAC 170-296A-4400 and 170-296A-4425 regarding door alarms, night latches, deadbolts, and security chains.</p>

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	<i>[This section is revised for clarity, adding cross references to related content]</i>
<p>WAC 170-296A-7025 Infant "tummy time" positioning. When infants are awake, the licensee or staff must allow each infant tummy time daily. As used in this section, "tummy time" means placing the infant in a prone position, lying on his or her stomach.</p>	<p>WAC 170-296A-7025 Infant "tummy time" positioning. When infants are awake, the licensee or staff must allow each infant supervised tummy time at least three times daily. As used in this section, "tummy time" means placing the infant in a nonrestrictive prone position, lying on his or her stomach, when not in sleeping equipment</p> <p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p>WAC 170-296A-7050 Infant and toddler supervision. (1) The licensee or a primary staff person must be within sight and hearing of infants and toddlers in the licensed indoor or outdoor space, or during any off-site activity when infants or toddlers in care are present.</p> <p>(2) When infants or toddlers are indoors, the licensee or primary staff person must be within sight and hearing. The licensee or primary staff person may be in sight or hearing range for brief periods of time while the licensee or primary staff person attends to toileting, medical, or other personal needs on the premises.</p> <p>(3) A baby monitor or video monitor must not be used in place of direct supervision of children.</p>	<p><i>[Proposed WAC 170-296A-7050 is withdrawn and its content incorporated into WAC170-296A-5750]</i></p>
<p>WAC 170-296A-7075 Infant sleeping or napping. (1) The licensee must:</p> <p>(a) Provide and use a single level crib, toddler bed, playpen or other sleeping equipment for each infant or toddler in care that is safe and not subject to tipping. The equipment must be of a design approved for infants or toddlers by the U.S. Consumer Product Safety Commission (see WAC 170-296A-3760 regarding approved cribs).</p> <p>(b) Provide sleeping or napping equipment with clean, firm, and snug-fitting mattresses that do not have tears or holes or is repaired with tape.</p> <p>(c) Provide mattresses covered with waterproof material that is easily cleaned and sanitized.</p> <p>(i) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water.</p> <p>(ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(d) Arrange sleeping equipment to allow staff access to children;</p> <p>(e) Remove sleeping children from car seats, swings or similar equipment; and</p> <p>(f) Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to other approved sleeping equipment.</p> <p>(2) Children that may climb out of their sleeping</p>	<p>WAC 170-296A-7075 Infant and toddler sleeping or napping equipment. (1) The licensee must:</p> <p>(a) Provide and use a single level crib, toddler bed, playpen or other sleeping equipment for each infant or toddler in care that is safe and not subject to tipping. The equipment must be of a design approved for infants or toddlers by the U.S. Consumer Product Safety Commission (see WAC 170-296A-7085 regarding approved cribs).</p> <p>(b) Provide sleeping or napping equipment with clean, firm, and snug-fitting mattresses that do not have tears or holes or is repaired with tape.</p> <p>(c) Provide mattresses covered with waterproof material that is easily cleaned and sanitized.</p> <p>(i) If a bleach solution is used to sanitize, the solution must be three-quarters teaspoon of chlorine bleach to one quart of cool water.</p> <p>(ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(d) Arrange sleeping equipment to allow staff access to children;</p> <p>(e) Remove sleeping children from car seats, swings or similar equipment; and</p> <p>(f) Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to other approved sleeping equipment.</p> <p>(2) Children able to climb out of their sleeping equipment must be transitioned to an alternate sleeping surface.</p>

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<p>equipment must be transitioned to an alternate sleeping surface.</p> <p>(3) If a crib with vertical slats is used, the slats must be spaced not more than two and three-eighths inches apart.</p>	<p><i>[This section revised as a result of comments on the proposed rules]</i></p>
<p><i>[Proposed WAC 170-296A-3670 is moved in its entirety to become WAC170-296A-7085, as described in the next column]</i></p>	<p>WAC 170-296A-7085 Cribs. In order to meet federal requirements, a licensee who uses a crib with children in care must comply with this section.</p> <p>(1) Effective December 28, 2012, each crib in use in licensed child care must meet U.S. Consumer Product Safety Commission (CPSC) requirements for full size cribs as defined in 16 Code of Federal Regulations (C.F.R.) 1219, or nonfull size cribs as defined in 16 C.F.R. 1220.</p> <p>(2) A crib meets the requirements of this section if the crib is labeled by the manufacturer as made on or after June 28, 2011.</p> <p>(3) A crib labeled as made from July 1, 2010, through June 27, 2011, may meet the requirements of this section if the licensee has obtained a certificate of compliance from the crib manufacturer or importer, or the licensee has other documentation from the manufacturer that the crib is certified as meeting the CPSC regulations.</p> <p>(4) Any crib that does not meet the requirements of subsection (2) or (3) of this section must be removed from the child care facility not later than December 28, 2012.</p> <p>(5) The licensee must keep in the licensed space a log documenting that each crib in use meets the requirements of this section.</p>
<p>WAC 170-296A-7100 Infant supervision--Procedures to reduce the risk of sudden infant death syndrome (SIDS). To reduce the risk of sudden infant death syndrome (SIDS), the licensee or staff must:</p> <p>(1) Place an infant to sleep on his or her back. If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;</p> <p>(2) Place an infant in sleeping equipment that has a snug-fitting mattress and a tight-fitting sheet;</p> <p>(3) Not allow soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping equipment;</p> <p>(4) Not cover an infant's head and face during sleep;</p> <p>(5) Take steps so infants do not get too warm during sleep; and</p> <p>(6) Place the infant in another sleeping position other than on their backs if required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.</p>	<p>WAC 170-296A-7100 Infant care--Procedures to reduce the risk of sudden infant death syndrome (SIDS). To reduce the risk of sudden infant death syndrome (SIDS), the licensee or staff must:</p> <p>(1) Place an infant to sleep on his or her back. If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;</p> <p>(2) Place an infant in sleeping equipment that has a clean, firm, and snug-fitting mattress and a tight-fitting sheet;</p> <p>(3) Not allow soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping equipment, or allow a blanket to cover or drape over the sleeping equipment;</p> <p>(4) Not cover an infant's head and face during sleep;</p> <p>(5) Take steps so infants do not get too warm during sleep. If a blanket is used, it must be lightweight and be placed no higher than the infant's chest with the infant's arms free; and</p> <p>(6) Not place the infant in another sleeping position other than on their backs, or use a sleep positioning device unless required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>

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<p>WAC 170-296A-7125 Infant bottles. The licensee must:</p> <ul style="list-style-type: none"> (1) If heating a bottle, heat the bottle in warm water that is not warmer than one hundred twenty degrees Fahrenheit; (2) Not use a microwave oven to warm the contents of a bottle; (3) Clean and sanitize bottles and nipples before each use; (4) Keep bottle nipples covered if bottles are prepared ahead, and label the bottle with the date it was prepared; (5) Not allow infants to share bottles or infant cups; (6) Have a method to identify the individual child's bottle or cup; (7) Keep the contents of a child's bottle inaccessible to other children; and (8) Throw away milk (except breast milk) or formula if it has been sitting at room temperature for more than one hour. 	<p>WAC 170-296A-7125 Infant bottles. The licensee must:</p> <ul style="list-style-type: none"> (1) Use glass bottles or use plastic bottles labeled with "1," "2," "4," or "5" on the bottle. A plastic bottle must not contain the chemical bisphenol-A or phthalates. (2) If heating a bottle, heat the bottle in warm water that is not more than one hundred twenty degrees Fahrenheit; (3) Not use a microwave oven to warm the contents of a bottle; (4) Clean bottles and nipples before each use, only with warm soapy water and a bottlebrush, or in a dishwasher; (5) Keep bottle nipples covered if bottles are prepared ahead, and label the bottle with the date it was prepared; (6) Not allow infants to share bottles or infant cups; (7) Have a method to identify the individual child's bottle or cup; (8) Keep the contents of a child's bottle inaccessible to other children; and (9) Throw away milk, breast milk, or formula if it has been sitting at room temperature for more than one hour. <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7150 Breast milk. When breast milk is provided for a child, the licensee must:</p> <ul style="list-style-type: none"> (1) Label the contents with the child's name and date the milk was brought to the child care; (2) Store frozen breast milk at ten degrees Fahrenheit or less; (3) Thaw breast milk in the refrigerator, under warm running water, or in warm water that is not warmer than one hundred twenty degrees Fahrenheit; (4) Never thaw or heat breast milk in a microwave oven or on the stove; (5) Keep frozen breast milk for no more than two weeks; and (6) Use frozen breast milk within twenty-four hours after thawing; and (7) Throw away breast milk if it has been sitting at room temperature for more than two hours. 	<p>WAC 170-296A-7150 Breast milk. When breast milk is provided for a child, the licensee must:</p> <ul style="list-style-type: none"> (1) For breast milk to be used on the day received, refrigerate and label the breast milk container; (2) If the breast milk is to be frozen, label the container with the child's name and date the milk was brought to the child care. The licensee must: <ul style="list-style-type: none"> (a) Store frozen breast milk at ten degrees Fahrenheit or less; (b) Keep frozen breast milk not more than two weeks; (c) Use frozen breast milk within twenty-four hours after thawing; (d) Thaw breast milk in the refrigerator, under warm running water, or in a container with warm water that is not more than one hundred twenty degrees Fahrenheit; and (e) Never thaw or heat breast milk in a microwave oven or on the stove. <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7175 Bottle feeding infants. (1) When bottle feeding, the licensee or staff must:</p> <ul style="list-style-type: none"> (a) Test the bottle contents before feeding, to avoid scalding or burning the infant's mouth; (b) Hold infants when bottle feeding; (c) Not prop bottles when feeding an infant; and (d) Not give a bottle or cup to an infant who is lying down. <p>(2) When an infant can hold his or her own bottle, the licensee or staff must:</p> <ul style="list-style-type: none"> (a) Place the infant in a semi-reclining or upright position during bottle feeding; and (b) Be in the same room within visual range of the infant during feeding. <p>(3) The licensee or staff must take the bottle from the infant when the child finishes feeding.</p>	<p>WAC 170-296A-7175 Bottle feeding infants. (1) When bottle feeding, the licensee or staff must:</p> <ul style="list-style-type: none"> (a) Test the bottle contents before feeding, to avoid scalding or burning the infant's mouth; (b) Hold infants when the infant is unable to hold his or her bottle; (c) Not prop bottles when feeding an infant; (d) Not give a bottle or cup to an infant who is lying down; (e) Feed infants on demand or based on the parent or guardian's recommended feeding schedule; (f) Stop feeding the infant when he or she shows signs of fullness; and (g) Not add medication, cereal, supplements, or sweeteners to the contents of the bottle unless prescribed by a health care provider.

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	<p>(2) When an infant can hold his or her own bottle, the licensee or staff:</p> <p>(a) May hold the infant or place the infant in a semi-reclining or upright position during bottle feeding; and</p> <p>(b) Must be in the same room within visual range of the infant during feeding.</p> <p>(3) The licensee or staff must take the bottle from the infant when the child finishes feeding.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7200 Feeding solid food to infants. (1) The licensee must consult with and have approval from an infant's parent or guardian before introducing solid food to the infant.</p> <p>(2) When serving infants solid food the licensee or staff must:</p> <p>(a) Sit the infant in a semi-reclining or upright position;</p> <p>(b) Not allow infants to share the same dish or utensil;</p> <p>(c) Stir and test for safe temperature after heating food and before serving;</p> <p>(d) Throw away any uneaten food from the serving container;</p> <p>(e) Serve solid food by utensil or let the child feed themselves; and</p> <p>(f) Feed the infant on demand unless the parent or guardian gives written instructions for an alternative feeding schedule.</p>	<p>WAC 170-296A-7200 Feeding solid food to infants. (1) The licensee must consult with and have approval from an infant's parent or guardian before introducing solid food to an infant.</p> <p>(2) When serving infants solid food the licensee or staff must:</p> <p>(a) Hold or sit the infant in a semi-reclining or upright position;</p> <p>(b) Not allow infants to share the same dish or utensil;</p> <p>(c) Stir and test for safe temperature after heating food and before serving;</p> <p>(d) Throw away any uneaten food from the serving container;</p> <p>(e) Serve solid food by utensil or let the child feed themselves; and</p> <p>(f) Feed the infant when hungry unless the parent or guardian gives written instructions for an alternative feeding schedule, and stop feeding when the infant shows signs of fullness.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7250 Diapering and toileting. (1) The licensee must provide a diaper changing area that is separate from any area where food is stored, prepared or served.</p> <p>(2) The diaper changing area must:</p> <p>(a) Have a sink with hot and cold running water close to the diaper changing area. The sink must not be used for food preparation and clean up;</p> <p>(b) Have a sturdy, easily cleanable mat with a surface large enough to prevent the area underneath from being contaminated with bodily fluids; and</p> <p>(c) Be cleaned and sanitized between each use:</p> <p>(i) If a bleach solution is used to sanitize, the solution must be one tablespoon of bleach to one quart of cool water;</p> <p>(ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(3) A nonabsorbent, disposable covering that is discarded after each use may be used on the diaper changing mat.</p>	<p>WAC 170-296A-7250 Diapering and toileting. (1) The licensee must provide a diaper changing area that is separate from any area where food is stored, prepared or served.</p> <p>(2) The diaper changing area must:</p> <p>(a) Have a sink with hot and cold running water close to the diaper changing area. The sink must not be used for food preparation and clean up;</p> <p>(b) Have a sturdy surface or mat that is:</p> <p>(i) Not torn or repaired with tape;</p> <p>(ii) Easily cleanable;</p> <p>(iii) Waterproof; and</p> <p>(iv) Large enough to prevent the area underneath from being contaminated with bodily fluids.</p> <p>(3) The diapering area must be cleaned and disinfected between each use.</p> <p>(a) If a bleach solution is used to disinfect, the solution must be one tablespoon of chlorine bleach to one quart of cool water.</p> <p>(b) If another disinfectant product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(4) A nonabsorbent, disposable covering that is discarded after each use may be used on the diaper changing mat.</p> <p>(5) The diaper changing surface must be free of all other</p>

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	<p>items not used in diapering the child.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7275 Diaper disposal. (1) The licensee must provide a container specifically for diaper disposal that is not used for other household trash. The diaper disposal container must:</p> <ul style="list-style-type: none"> (a) Have a tight cover; (b) Be lined with a disposable plastic trash bag; and (c) Be within arm's reach of the diaper changing area. <p>(2) If disposable diapers are used, the diaper disposal container must be emptied to the outside garbage can or container daily.</p> <p>(3) If cloth diapers are used, the diapers must be:</p> <ul style="list-style-type: none"> (a) Kept in the diaper disposal container until picked up by the diaper service; or (b) Placed in a securely closed plastic bag and sent home with the child daily. 	<p>WAC 170-296A-7275 Diaper disposal. (1) The licensee must provide a container specifically for diaper and diapering supply disposal that is not used for other household trash. The diaper disposal container must:</p> <ul style="list-style-type: none"> (a) Have a tight cover; (b) Be lined with a disposable plastic trash bag; and (c) Be within arm's reach of the diaper changing area. <p>(2) If disposable diapers are used, the diaper disposal container must be emptied to the outside garbage can or container daily.</p> <p>(3) If cloth diapers are used, the diapers must:</p> <ul style="list-style-type: none"> (a) Not be rinsed; and (b)(i) Be kept in the diaper disposal container until picked up by the diaper service; or (ii) Placed in a securely closed plastic bag and sent home with the child daily. <p>(4) If soiled diapers are sent home they must be kept in a separate closed container used only for diapers and not placed with the child's other belongings.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7300 Diaper changing. (1) The licensee or staff must:</p> <ul style="list-style-type: none"> (a) Check diapers at least every two hours; (b) Change the diaper when necessary, or whenever the child indicates discomfort; (c) Attend to the child at all times when diapering a child; (d) Not rinse soiled diapers; and (e) Place soiled diapers directly into a diaper waste container. <p>(2) Diapers used must be:</p> <ul style="list-style-type: none"> (a) Disposable; or (b) Cloth diapers supplied by a commercial diaper service; or (c) Reusable cloth diapers supplied by the child's family. <p>(3) When cloth diapers are used a washable barrier must be used between the diaper and the child's clothes.</p> <p>(4) The licensee or staff must wash their hands and the child's hands immediately after diapering a child.</p>	<p>WAC 170-296A-7300 Diaper changing. (1) The licensee or staff must:</p> <ul style="list-style-type: none"> (a) Check diapers at least every two hours; (b) Change the diaper when necessary, or whenever the child indicates discomfort; (c) Attend to the child at all times when diapering a child; (d) Not rinse soiled diapers; and (e) Place soiled diapers directly into a diaper waste container. <p>(2) Diapers used must be:</p> <ul style="list-style-type: none"> (a) Disposable; or (b) Cloth diapers supplied by a commercial diaper service; or (c) Reusable cloth diapers supplied by the child's family. <p>(3) When cloth diapers are used, a waterproof, washable barrier must be used between the diaper and the child's clothes.</p> <p>(4) The licensee or staff must wash their hands before and after diapering, and wash the child's hands immediately after diapering the child. Baby wipes may be used to wash the child's hands.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7375 Potty chairs or modified toilet seats. (1) When potty chairs are used, the licensee or staff must immediately after each use:</p> <ul style="list-style-type: none"> (a) Empty the potty chair into the toilet; and (b) Clean and sanitize the potty chair. <p>(2) The floor under the potty chairs must be made of a material that is resistant to moisture.</p> <p>(3) When a modified toilet seat is used, it must be</p>	<p>WAC 170-296A-7375 Potty chairs or modified toilet seats. (1) When potty chairs are used, the licensee or staff must immediately after each use:</p> <ul style="list-style-type: none"> (a) Empty the potty chair into the toilet; and (b) Clean and disinfect the potty chair. <p>(2) The floor under the potty chairs must be made of a material that is resistant to moisture.</p> <p>(3) When a modified toilet seat is used, it must be</p>

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<p>cleaned and sanitized daily or more often when soiled.</p> <p>(4)(a) If a bleach solution is used to sanitize, the solution must be one tablespoon of bleach to one quart of cool water;</p> <p>(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p>	<p>cleaned and disinfected daily or more often when soiled.</p> <p>(4)(a) If a bleach solution is used to disinfect, the solution must be one tablespoon of chlorine bleach to one quart of cool water;</p> <p>(b) If another disinfectant product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.</p> <p>(5) If a sink or basin is used to clean a potty chair or modified toilet seat, the sink or basin must be cleaned and disinfected afterwards.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7500 Food must meet USDA guidelines. The licensee must provide meals and snack foods to children in care according to the March 2007 edition of the U.S. Department of Agriculture (USDA) - creditable food guide, child and adult care food program charts for the ages of children in the licensee's care. The food program charts are available on-line at http://www.k12.wa.us/ChildNutrition/pubdocs/CreditableFoodGuideMAR2007FINAL.pdf.</p>	<p>WAC 170-296A-7500 Food must meet USDA guidelines. The licensee must provide meals and snack foods to children in care according to the current edition of the U.S. Department of Agriculture (USDA) - Child and adult care food program (CACFP) charts for the ages of children in the licensee's care.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7525 Parent or guardian-provided food.</p> <p>(1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee. This written food plan includes accommodations for:</p> <ul style="list-style-type: none"> (a) The child's medical needs; (b) Special diets; (c) Religious or cultural preference; or (d) Family preference. <p>(2) The licensee must supplement the food provided by the parent or guardian with foods listed in the USDA creditable food guide foods if the food provided by the parent or guardian does not meet the nutritional needs of the child.</p>	<p>WAC 170-296A-7525 Parent or guardian-provided food. (1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee.</p> <p>(2) A written food plan is not required for infant formula, breast milk or baby food supplied by the child's parent or guardian.</p> <p>(3) A written food plan may include accommodations for:</p> <ul style="list-style-type: none"> (a) The child's medical needs; (b) Special diets; (c) Religious or cultural preference; or (d) Family preference. <p>(4) The licensee must supplement the food provided by the parent or guardian with foods listed in the USDA CACFP requirements if the food provided by the parent or guardian does not meet the nutritional needs of the child.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7600 Serving milk. The licensee must serve milk according to the ages of the children in care. The licensee is responsible to serve:</p> <ul style="list-style-type: none"> (1) Breast milk or formula to children from birth to twelve months old, or until the parent or guardian is ready for their child to be served whole pasteurized milk. (2) Whole pasteurized milk to children from twelve months through twenty-four months old if the child is ready to be served whole milk. (3) Pasteurized milk or pasteurized milk product to children over twenty-four months old. 	<p>WAC 170-296A-7600 Serving milk. (1) The licensee must serve milk according to the ages of the children in care. The licensee is responsible to serve:</p> <ul style="list-style-type: none"> (a) Breast milk or formula to children from birth to twelve months old. The parent or guardian may request breast milk or formula be served to their child after the child turns twelve months of age. (b) Whole pasteurized milk to children from twelve months through twenty-four months old if the child is ready to be served whole milk. (c) Pasteurized milk or pasteurized milk product to children over twenty-four months old. <p>(2) Variations of subsection (1)(a), (b), or (c) of this section require a written statement from the child's health</p>

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	<p>provider.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7625 Meal and snack schedule. The licensee must offer meals and snacks to the children at intervals of at least two hours apart and no more than three hours unless the child is asleep.</p>	<p>WAC 170-296A-7625 Meal and snack schedule. (1) The licensee must offer meals and snacks to the children in care at intervals of at least two hours apart and no more than three hours unless the child is asleep.</p> <p>(2) The licensee must offer a snack to children arriving from school.</p> <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7650 Serving foods. (1) The licensee or staff may:</p> <ul style="list-style-type: none"> (a) Serve each child individually; or (b) Serve family style in serving containers that allow each child the opportunity to serve themselves. <p>(2) The licensee or staff must:</p> <ul style="list-style-type: none"> (a) Stir and test for safe temperature any heated food before serving; (b) Closely supervise all children when eating; (c) Not force or shame a child to eat or try any food; (d) Not punish a child for refusing to try or eat foods; (e) Serve meals in a safe and sanitary manner and be respectful of each child's cultural food practices; and (f) Sit with children during meals when possible. 	<p>WAC 170-296A-7650 Serving foods. (1) The licensee or staff may:</p> <ul style="list-style-type: none"> (a) Serve each child individually; or (b) Serve family style in serving containers that allow each child the opportunity to serve themselves. <p>(2) The licensee or staff must:</p> <ul style="list-style-type: none"> (a) Stir and test for safe temperature any heated food before serving; (b) Closely supervise all children when eating; (c) Not force or shame a child to eat or try any food; (d) Not punish a child for refusing to try or eat foods; (e) Serve meals in a safe and sanitary manner; (f) Be respectful of each child's cultural food practices; <p>and</p> <ul style="list-style-type: none"> (g) Sit with children during meals when possible. <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7675 Food handler permits. (1) New license applicants must obtain a current state food handler permit prior to being licensed.</p> <p>(2) By (one year after the effective date of this section) every licensee must obtain and maintain a current state food handler permit.</p> <p>(3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.</p> <p>(4) The licensee must keep a copy of each individual's food handler permit on file.</p>	<p>WAC 170-296A-7675 Food handler permits. (1) New license applicants must obtain a current state food handler permit prior to being licensed.</p> <p>(2) By March 31, 2013, every licensee must obtain and maintain a current state food handler permit.</p> <p>(3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.</p> <p>(4) The licensee or staff person with a current state food handler permit must prepare or supervise preparation of all food served to children in care.</p> <p>(5) The licensee must keep a copy of each individual's food handler permit on file.</p> <p><i>[This section revised as a result of comments on the proposed rule, and to establish a date for existing licensees to obtain a food handler's permit]</i></p>
<p>WAC 170-296A-7680 Safe food handling. (1) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.</p> <p>(2) The licensee and staff must:</p> <ul style="list-style-type: none"> (a) Wash their hands prior to preparing food and after handling raw meats, poultry, or fish; and (b) Not prepare food when ill with vomiting or 	<p>WAC 170-296A-7680 Safe food handling. (1) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.</p> <p>(2) The licensee and staff must:</p> <ul style="list-style-type: none"> (a) Wash their hands as required under WAC 170-296A-3675; and (b) Not prepare food when ill with vomiting or diarrhea.

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diarrhea.	<i>[This section revised as a result of comments on the proposed rule and for clarity]</i>
<p>WAC 170-296A-7700 Washing dishes. The licensee or staff must wash dishes thoroughly after each use by one of the following methods:</p> <ul style="list-style-type: none"> (1) Automatic dishwasher; or (2) Handwashing method, by emersion in hot soapy water, rinse, sanitize and air dry: <ul style="list-style-type: none"> (a) If a bleach solution is used to sanitize, the solution must be one teaspoon of bleach to one gallon of cool water; (b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry. 	<p>WAC 170-296A-7700 Washing dishes. The licensee or staff must wash dishes thoroughly after each use by one of the following methods:</p> <ul style="list-style-type: none"> (1) Automatic dishwasher, using the sanitizing cycle if available; or (2) Handwashing method, by emersion in hot soapy water, rinse, sanitize and air dry: <ul style="list-style-type: none"> (a) If a bleach solution is used to sanitize, the solution must be three-quarters teaspoon of chlorine bleach to one gallon of cool water; (b) If another sanitizer product is used, it must be labeled as approved for food contact surfaces and be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry. <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7725 Food containers and utensils. (1) The licensee must not use or allow plastic containers to be used to cook or reheat food in a microwave oven, unless the container is certified by the manufacturer as made without the chemical bisphenol-A.</p> <ul style="list-style-type: none"> (2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use. (3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use. (4) The licensee must not serve food to infants or toddlers using polystyrene (styrofoam) cups, bowls and plates. 	<p>WAC 170-296A-7725 Food containers and utensils. (1) The licensee must not use or allow cookware containers to be used to cook or reheat food in a microwave oven, unless the container is labeled by the manufacturer as "for microwave use," "microwave safe," or similar labeling.</p> <ul style="list-style-type: none"> (2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use. (3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use. (4) The licensee must not serve food to infants or toddlers using polystyrene foam (commonly known as styrofoam) cups, bowls and plates. <p><i>[This section revised as a result of comments on the proposed rule]</i></p>
<p>WAC 170-296A-7750 Food preparation area. (1) The licensee or staff must clean and sanitize food preparation and eating surfaces before and after use. The licensee's food preparation area must:</p> <ul style="list-style-type: none"> (a) Have surfaces that are free of cracks and crevices; and (b) Have a floor area made of a material that is resistant to moisture. <ul style="list-style-type: none"> (2) The licensee must not allow pets in the food preparation area while food is being prepared or served. (3) The licensee may use the kitchen for other child care activities provided there is continual supervision of the children. (4)(a) If a bleach solution is used to sanitize surfaces, the solution must be one teaspoon of bleach to one gallon of cool water; (b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product 	<p>WAC 170-296A-7750 Food preparation area. (1) The licensee or staff must clean and sanitize food preparation and eating surfaces before and after use. The licensee's food preparation area must:</p> <ul style="list-style-type: none"> (a) Have surfaces that are free of cracks and crevices; and (b) Have a floor area made of a material that is resistant to moisture. <ul style="list-style-type: none"> (2) The licensee must not allow pets in the food preparation area while food is being prepared or served. (3) The licensee may use the kitchen for other child care activities provided there is continual supervision of the children. (4)(a) If a bleach solution is used to sanitize surfaces, the solution must be one tablespoon of chlorine bleach to one gallon of cool water; (b) If another sanitizer product is used, it must be labeled as approved for food contact surfaces and be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

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to dry.	<i>[This section revised as a result of comments on the proposed rule]</i>
<p>WAC 170-296A-8050 Civil monetary penalties (fines). A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.</p> <p>(1) A fine of seventy-five dollars per day may be imposed for each violation.</p> <p>(2) The fine may be assessed and collected with interest for each day a violation occurs.</p> <p>(3) A fine may be imposed in addition to other action taken against the license including probation, suspension, revocation or denial of a license renewal.</p> <p>(4) At the department's discretion, the fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.</p> <p>(5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee's hearing rights and how to request a hearing.</p>	<p>WAC 170-296A-8050 Civil monetary penalties (fines). A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.</p> <p>(1) A fine of one hundred fifty dollars per day may be imposed for each violation.</p> <p>(2) The fine may be assessed and collected with interest for each day a violation occurs.</p> <p>(3) A fine may be imposed in addition to other action taken against the license including probation, suspension, revocation or denial of a license renewal.</p> <p>(4) At the department's discretion, a fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.</p> <p>(5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee's hearing rights and how to request a hearing.</p> <p><i>[This section revised consistent with 2011 Senate Bill 5504]</i></p>
<p>WAC 170-296A-8125 Failure to pay a fine--Department action. If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not renew the license.</p>	<p>WAC 170-296A-8125 Failure to pay a fine--Department action. If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not continue the license.</p> <p><i>[This section revised consistent with other changes in the rules to implement 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-8150 Denial, suspension, revocation or modification of a license. A license may be denied, suspended, modified or revoked when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.</p>	<p>WAC 170-296A-8150 Denial, suspension, revocation, modification, or noncontinuation of a license. A license may be denied, suspended, modified, revoked, or not continued when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.</p> <p><i>[This section revised consistent with other changes in the rules to implement 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-8175 Violations that will result in enforcement action. The department will deny, suspend or revoke a license when:</p> <p>(1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;</p> <p>(2) The licensee is disqualified under chapter 170-06 WAC (DEL background check rules);</p> <p>(3) The licensee or household member has been found to have committed child abuse or child neglect;</p> <p>(4) The licensee has been found to allow staff or household members to commit child abuse or child neglect; or</p> <p>(5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120.</p>	<p>WAC 170-296A-8175 Violations--Enforcement action. The department may deny, suspend, revoke, or not continue a license when:</p> <p>(1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;</p> <p>(2) The licensee is disqualified under chapter 170-06 WAC (DEL background check rules);</p> <p>(3) The licensee or household member has been found to have committed child abuse or child neglect;</p> <p>(4) The licensee has been found to allow staff or household members to commit child abuse or child neglect;</p> <p>(5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120;</p> <p>(6) There is an allegation of child abuse or neglect against the licensee, staff, or household member;</p> <p>(7) The licensee fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;</p> <p>(8) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out</p>

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	<p>important information on the application;</p> <p>(9) The licensee commits, permits or assists in an illegal act at the child care premises;</p> <p>(10) The licensee uses illegal drugs or alcohol in excess, or abuses prescription drugs;</p> <p>(11) The licensee knowingly allowed a staff or household member to make false statements on employment or background check application related to their suitability or competence to provide care;</p> <p>(12) The licensee fails to provide the required level of supervision for the children in care;</p> <p>(13) The licensee cares for more children than the maximum number stated on the license;</p> <p>(14) The licensee refuses to allow department authorized staff access during child care operating hours to:</p> <p>(a) Requested information;</p> <p>(b) The licensed space;</p> <p>(c) Child, staff, or program files; or</p> <p>(d) Staff or children in care.</p> <p>(15) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;</p> <p>(16) The licensee cares for children outside the ages stated on the license;</p> <p>(17) A staff person or a household member residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);</p> <p>(18) The licensee, staff person, or household member residing in the licensed home has a current charge or conviction for a crime described in WAC 170-06-0120;</p> <p>(19) A household member residing in the licensed home had a license to care for children or vulnerable adults denied or revoked;</p> <p>(20) The licensee does not provide the required number of qualified staff to care for the children in attendance; or</p> <p>(21) The department is in receipt of information that the licensee has failed to comply with any requirement described in WAC 170-296A-1420.</p> <p><i>[This section revised to incorporate the content of withdrawn - WAC 170-296A-8200]</i></p>
<p>WAC 170-296A-8200 Violations or conditions that may result in enforcement action. The department may deny, suspend or revoke a license when:</p> <p>(1) There is an allegation of child abuse or neglect against the licensee, staff, or household member;</p> <p>(2) The licensee fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;</p> <p>(3) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out important information on the application;</p> <p>(4) The licensee commits, permits or assists in an illegal act at the child care premises;</p> <p>(5) The licensee uses illegal drugs, alcohol in excess, or abuses prescription drugs;</p> <p>(6) The licensee knowingly allowed a staff or</p>	<p><i>[Proposed WAC 170-296A-8200 is withdrawn and its content incorporated, with revisions for clarity, into WAC 170-296A-8175]</i></p>

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<p>household member to make false statements on employment or background check application related to their suitability or competence to provide care;</p> <p>(7) The licensee fails to provide the required level of supervision for the children in care;</p> <p>(8) The licensee cares for more children than the maximum number stated on the license;</p> <p>(9) The licensee refuses to allow department authorized staff access during child care operating hours to:</p> <ul style="list-style-type: none"> (a) Requested information; (b) The licensed space; (c) Child, staff, or program files; or (d) Staff and children in care. <p>(10) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;</p> <p>(11) The licensee cares for children outside the ages stated on the license;</p> <p>(12) A staff person or a household member residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);</p> <p>(13) The licensee, staff person, or household member residing in the licensed home has a current charge or conviction for a crime described in WAC 170-06-0120;</p> <p>(14) A household member residing in the licensed home had a license to care for children or vulnerable adults denied or revoked;</p> <p>(15) The licensee does not provide the required number of qualified staff to care for the children in attendance; or</p> <p>(16) The department is in receipt of information that the licensee has failed to comply with any requirement described in WAC 170-296A-1420.</p>	
<p>WAC 170-296A-8250 Probationary license. A probationary license as provided in RCW 43.215.290 may be issued as part of a corrective action plan.</p>	<p>WAC 170-296A-8250 Probationary license. A probationary license may be issued to a licensee operating under a nonexpiring full license as part of a corrective action plan. The department refers the licensee for technical assistance as provided in RCW 43.215.290 prior to issuing a probationary license.</p> <p><i>[This section is revised consistent with 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-8275 Probationary license--Cause. A department decision to issue a probationary license must be based on the following:</p> <ul style="list-style-type: none"> (1) Negligent or intentional noncompliance with the licensing rules; (2) A history of noncompliance with the licensing rules; (3) Current noncompliance with the licensing rules; or (4) Any other factors relevant to the specific situation. 	<p>WAC 170-296A-8275 Probationary license--Cause. A department decision to issue a probationary license must be based on the following:</p> <ul style="list-style-type: none"> (1) Negligent or intentional noncompliance with the licensing rules; (2) A history of noncompliance with the licensing rules; (3) Current noncompliance with the licensing rules; or (4) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.215 RCW. <p><i>[This section revised as a result of comments on the proposed rules]</i></p>

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<p>WAC 170-296A-8300 Issuing a probationary license. When the department issues a probationary license, the licensee must:</p> <ul style="list-style-type: none"> (1) Provide the parents and guardians of enrolled children notice of the probationary license in a department approved format within five working days of the licensee receiving the probationary license; (2) Provide documentation to the department that parents or guardians of enrolled children have been notified; (3) Inform new parent or guardians of the probationary status before enrolling new children; (4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and (5) Return the licensee's full license to the department. 	<p>WAC 170-296A-8300 Issuing a probationary license. When the department issues a probationary license, the licensee must:</p> <ul style="list-style-type: none"> (1) Provide the parents and guardians of enrolled children notice of the probationary license in a department approved format within five working days of the licensee receiving the probationary license; (2) Provide documentation to the department that parents or guardians of enrolled children have been notified; (3) Inform new parents or guardians about the probationary status before enrolling new children; (4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and (5) Return the licensee's nonexpiring full license to the department. <p><i>[Subsection (5) is revised consistent with related changes in other rules implementing 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-8325 Refusing a FLCA or probationary license. (1) The licensee has the right to:</p> <ul style="list-style-type: none"> (a) Refuse or refuse to sign a facility licensing compliance agreement; or (b) Refuse to agree to a probationary license. <p>(2) Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions:</p> <ul style="list-style-type: none"> (a) Modification of the license; (b) Denial of a renewal license; (c) Suspension of the license; or (d) Revocation of the license. 	<p>WAC 170-296A-8325 Refusing a FLCA or probationary license. (1) The licensee has the right to:</p> <ul style="list-style-type: none"> (a) Refuse or refuse to sign a facility licensing compliance agreement; or (b) Refuse to agree to a probationary license. <p>(2) Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions:</p> <ul style="list-style-type: none"> (a) Modification of the license; (b) Noncontinuation of a nonexpiring full license; (c) Suspension of the license; or (d) Revocation of the license. <p><i>[Subsection (2)(b) is revised consistent with related changes in other rules implementing 2011 Senate Bill 5625]</i></p>
<p>WAC 170-296A-8350 Providing unlicensed care--Notice. (1) If the department determines that an individual is providing unlicensed child care in his or her home, the department will send the individual written notice within ten calendar days to explain:</p> <ul style="list-style-type: none"> (a) Why the department suspects that the individual is providing child care without a license; (b) That a license is required and why; (c) That the individual must immediately stop providing child care; (d) That if the individual wishes to obtain a license, within thirty calendar days from the date of the department's notice in this subsection (1) the individual must submit a written agreement, on a department form, stating that he or she agrees to: <ul style="list-style-type: none"> (i) Attend the next available department child care licensing orientation; and (ii) Submit a child care licensing application after completing orientation; and (e) That the department has the authority to issue a fine of (the dollar amount provided in law) per day for each day that the individual continues to provide child care without a license. <p>(2) The department's written notice in subsection (1) of this section must inform the individual providing unlicensed child care:</p>	<p>WAC 170-296A-8350 Providing unlicensed care--Notice. (1) If the department determines that an individual is providing unlicensed child care in his or her home, the department will send the individual written notice within ten calendar days to explain:</p> <ul style="list-style-type: none"> (a) Why the department suspects that the individual is providing child care without a license; (b) That a license is required and why; (c) That the individual must immediately stop providing child care; (d) That if the individual wishes to obtain a license, within thirty calendar days from the date of the department's notice in this subsection (1) the individual must submit a written agreement, on a department form, stating that he or she agrees to: <ul style="list-style-type: none"> (i) Attend the next available department child care licensing orientation; and (ii) Submit a child care licensing application after completing orientation; and (e) That the department has the authority to issue a fine of one hundred fifty dollars per day for each day that the individual continues to provide child care without a license. <p>(2) The department's written notice in subsection (1) of this section must inform the individual providing unlicensed child care:</p> <ul style="list-style-type: none"> (a) How to respond to the department; (b) How to apply for a license; (c) How a fine, if issued, may be suspended or

[The fine amount in subsection (1) is updated consistent with 2011 Senate Bill 5504]

WAC 170-296A-1975 Licensee/staff qualifications and requirements table. The following table summarizes the licensee and staff qualifications and requirements found in WAC 170-296A-1700 through 170-296A-1950, and 170-296A-7675. An "X" indicates a requirement.

[illegible]

Primary staff person	18		X	X		X	X	X	X	X	*See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit
Assistant/volunteer (cannot be left alone with children)	14		X	X				X	X	X	*See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit
			Noncriminal background check only age 14-15								

*See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit

[This section revised as a result of comments on the proposed rules]

WAC 170-296A-3210 Communicable disease procedure. When the licensee becomes aware that he or she, a household member, staff person or child in care has been diagnosed with any of the following communicable diseases:

Disease:	Also known as:
Chickenpox	Varicella
Conjunctivitis (bacterial)	Pink eye
Diphtheria	
E. coli infection	
Giardiasis	
Hepatitis A virus	
Invasive haemophilus influenza disease (except otitis media)	
Measles	
Meningitis (bacterial)	Meningococcal meningitis
Mumps	
Pertusis	Whooping cough
Rubella	German measles
Salmonellosis	Salmonella or "food poisoning"
Shigellosis	Shigella
Tuberculosis (active)	TB

the licensee must, within twenty four hours notify:

(a) The local health jurisdiction or DOH, except notice is not required for a diagnosis of chickenpox, conjunctivitis, or invasive haemophilus influenza;

(b) The department; and

(c) Parents or guardians of each of the children in care; and

(2) Follow the health plan before providing care or before readmitting the household member, staff person or child into the child care.

(3) The licensee's health plan must include provisions for excluding or separating a child, staff person, or household member with communicable disease as described in subsection (1) or any of the following:

(a) Fever of one hundred one degrees Fahrenheit or higher measured orally, or one hundred degrees Fahrenheit or higher measured under the armpit (axially), if the individual also has;

(i) Earache;

(ii) Headache;

- (iii) Sore throat;
- (iv) Rash; or
- (v) Fatigue that prevents the individual from participating in regular activities;
- (b) Vomiting that occurs two or more times in a twenty-four hour period;
- (c) Diarrhea with three or more watery stools, or one bloody stool, in a twenty-four hour period;
- (d) Rash not associated with heat, diapering or an allergic reaction; or
- (e) Drainage of thick mucus or pus from the eye.

[This section revised as a result of comments on the proposed rules. The rule also incorporates the content of withdrawn WAC 170-296A-3225]

WAC 170-296A-3325 Medication storage. The licensee must store all medications, as well as vitamins, herbal remedies, dietary supplements and pet medications as described in the following table.

- (1) In a locked container or cabinet until used; or
- (2) Inaccessible to children. The licensee must keep emergency rescue medications listed in subsection (3)(a) inaccessible but available for emergency use to meet the individual's emergency medical needs:

Medication Storage Table		
This list is not inclusive of all possible items in each category. Medications must be maintained as directed on the medication label, including refrigeration is applicable.		
(3) If the medication is a (an):	The medication must be stored in a locked container or cabinet	The medication must be stored inaccessible to children
(a) Individual's emergency rescue medications:		
(i) Any medication used to treat an allergic reaction;		X
(ii) Nebulizer medication		X
(iii) Inhaler		X
(iv) Bee sting kit		X
(v) Seizure medication		X
(vi) Other medication needed for emergencies		X
(b) Nonprescription medications, including herbal or natural:		
(i) Pain reliever, cough syrup, cold or flu medication	X	
(ii) Vitamins, all types including natural	X	
(iii) Topical nonprescription medication		X
(iv) Hand sanitizer, when not in use		X
(c) Prescription medication		
(i) Intended use - topical	X	
(ii) Intended use – ingestible, inhaled or by injection	X	
(d) Pet medications (all types)	X	

[This section revised as a result of comments on the proposed rules and to incorporate content moved from proposed WAC 170-296A-4100]

WAC 170-296A-3925 Cleaning, sanitizing, and disinfecting table. The following table describes the minimum frequency for cleaning, sanitizing, or disinfecting items in the licensed space.

CLEANING, SANITIZING, AND DISINFECTING TABLE				
		"X" means CLEAN	And SANITIZE or DISINFECT	FREQUENCY
(1)	Kitchen countertops/tabletops, floors, doorknobs, and cabinet handles.	X	Sanitize	Daily or more often when soiled.
(2)	Food preparation/surfaces.	X	Sanitize	Before/after contact with food activity; between preparation of raw and cooked foods.
(3)	Carpets and large area rugs/small rugs.	X		(a) Vacuum daily.
		X	Sanitize	(b) Installed carpet - Clean yearly or more often when soiled. (c) Small rugs - Shake outdoors or vacuum daily. Launder weekly or more often when soiled.
(4)	Utensils, surfaces/toys that go in the mouth or have been in contact with other body fluids.	X	Sanitize	(d) Removable rugs - May be used in the bathroom. They must be easily removable and able to be washed when needed. Launder and sanitize weekly or more often when soiled.
(5)	Toys that are not contaminated with body fluids and machine-washable cloth toys. Dress-up clothes (not worn on the head or come into contact with the head while dressing). Combs/hairbrushes, (none of these items should be shared among children).	X	Sanitize	After each child's use; may use disposable, one-time utensils.
(6)	Bedding, blankets, sleeping bags, individual sheets, pillowcases (if used).	X	Sanitize	Weekly or more often when soiled.
				Items that are put in the washing machine must be cleaned by using laundry detergent and sanitized by temperature (hot or warm water cycle) or chlorine bleach.
(7)	Wash cloths or single use towels.	X	Sanitize	Weekly or more often when visibly soiled.
(8)	Hats and helmets.	X		After each child's use; may use disposable, one-time utensils.
(9)	Cribs and crib mattresses.	X	Sanitize	After each use.
(10)	Handwashing sinks, faucets, surrounding counters, soap dispensers, doorknobs.	X	Disinfect	After each child's use or use disposable hats that only one child wears.
(11)	Toilet seats, toilet training rings, toilet handles, doorknobs or cubicle handles, floors.	X	Disinfect	Weekly, before use by different child, and more often whenever soiled or wet.
(12)	Toilet bowls.	X	Disinfect	Daily or more often when soiled.
(13)	Changing tables, potty chairs (use of potty chairs in child care is discouraged because of high risk of contamination).	X	Disinfect	Daily or immediately if visibly soiled.
(14)	Waste receptacles.	X		Daily or more often as needed (e.g., child vomits or has explosive diarrhea, etc.).
				After each child's use.
				Daily or more often as needed.

[This section revised as a result of comments on the proposed rule and for clarity]

WAC 170-296A-5700 Capacity and ratio table--Birth through twelve year license. The table in this section describes the required staff-to-child ratio, age composition of children in care, and maximum licensed capacity permitted in a licensed family home child care depending on the:

- (1) Licensee's years of experience;
- (2) Number and qualifications of staff providing care;
- (3) Capacity and ratio table:

Staff	Licensee Minimum Experience and Requirements	Staff-Child Ratio	Age Range	Maximum Number of Children by Age Group:	Maximum Capacity
(a) Licensee working alone	Less than one year of experience	1:6	Birth through 12 years of age	Under 18 months of age 2 or	6 Maximum of 2 children under the age of two not walking independently
				Under two years of age (One must be walking independently) 3	
(b) Licensee working alone	At least one year of experience	1:8	18 months through 12 years of age	18 months to 2 years (Must be walking independently) 2 or	8 All children must be walking independently
				Under three years of age (Not more than two under two years of age and must be walking independently) 4	

(c)	Licensee working alone	At least two years of experience and 10 hours of annual ongoing early childhood education equivalent STARS training	1:10	Three years through 12 years of age	Not Applicable	10
(d)	Licensee working with primary staff person or assistant (2 persons total)	Licensee has at least one year of experience	2:9	Birth through 12 years of age	Under 18 months of age 2 and	9
					18 months to two years of age and walking independently 1 and	
					Two years to three years of age 4	
(e)	Licensee working with primary staff or assistant (2 staff persons total)	Licensee has two or more years child care experience and 10 hours of annual ongoing early childhood education equivalent STARS training	2:12	Birth through 12 years of age	Under 18 months of age 4 and	12 Maximum four children not walking independently
					18 months to two years of age and walking independently 2 and	
					Two years to three years of age 4	

(f)	Licensee working with primary staff or assistant (2 persons total)	Licensee has two or more years child care experience and 10 hours of annual ongoing early childhood education equivalent STARS training	2:12	Two years of age through 12 years of age	Not Applicable	12
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(4) As used in this section, "walking independently" means being able to stand and move about easily without the aid or assistance of or holding on to an object, wall, equipment or other person.

[This section revised as a result of comments on the proposed rules and for clarity]

End of Attachment D